and Mexico. Now we are going to build a wall across the Canadian border, too? Let's get serious. This is nonsense, absolutely nonsense.

And does anyone want to talk about those who come to the U.S. and overstay their visas? There are an estimated 4 million people in the United States who have overstayed their visas. They get visas, they are here, they are working. They overstay their visa and do not go back to their home countries; they decide to stay here illegally.

It is time to acknowledge why immigrants continue to come across our border, making enormous sacrifices, risking their lives. They are coming for economic opportunity to better themselves and to reunite, a lot of times, with their families. In other words, they are coming for exactly the same reasons that my mother came to America—to get reunited with family members who were here, to work, to raise a family, to better her life and to better the lives of her children. The difference is they are coming now as undocumented because we failed to create a documented, legal avenue for our economy to get the workers we need. It is not their fault, it is our fault—because we have not designed a good immigration system.

We have heard it said that undocumented immigrants drive down wages for American citizens at the low end of the economic scale. According to this argument, undocumented immigrants are so desperate to work for the minimum wage or less, they will tolerate harsh, unsafe working conditions. Unfortunately, there is a lot of truth to that argument. So what is the answer, kick them out? No. The answer is to bring them out of the shadows. If they are given documentation and legal status, then employers will have to pay them a decent wage and treat them fairly. This will raise the floor. It will raise wages at the bottom rungs of the ladder, and this will benefit all American workers.

There is another huge cost and danger to allowing the status quo to continue. The current system has driven undocumented workers deep underground. We are not able to document, track, or control who is within our borders. This is the ideal environment for al-Qaida and others who aim to penetrate our society. Because of our preoccupation with chasing down undocumented immigrants, we are diverting scarce resources from addressing the real threats to our national security, and this needs to change. Instead, we are tracking down gardeners and dishwashers, let's focus on those who really want to do us harm.

Throughout America's history, the subject of immigration has lent itself to fearmongering, demagoguery, and simplistic so-called solutions. But to our credit—and to America's great social and economic benefit—we have listened to the better angels of our nature. We have refused to slam the door. We have been true to our tradition as a nation of immigrants.

Today, once again, we are challenged to rise above fear and prejudice and to do the right thing. Legally or illegally, immigrants will continue to come to America as they have for four centuries. We need smart immigration reform, reform that will protect our borders, crack down on employers who hire those who are unauthorized to work, while creating a guest worker program that gives immigrants the opportunity to earn legalization and to have family reunification.

In closing, I commend the Judiciary Committee for sending to the floor a bipartisan bill that would accomplish these important things. It would bring undocumented immigrants out of the shadows so we know who they are, where they live, where they are from, and so we can identify any who could be a threat to our homeland security. It would allow earned legalization for those who pass security background checks.

It is going to take more than 10 years for an undocumented immigrant to demonstrate that he or she is a person of good moral standing, is paying taxes, learning English, and has paid the necessary fines. These people will not jump ahead of anyone who is already in line for citizenship. I want to stress that point. There is a thought: Oh, they will get in front of everybody. That is not true, not under the bill from the Judiciary Committee. They would work 6 years before they could apply for legal permanent residency or green card status, and after that they would work for another 5 years before they could apply for citizenship. During this process, they would have to pay a fine, and with those fines would help pay for this system.

Last, we don't need a wall around our borders. We can use unmanned aerial vehicles, sensors, guard posts. We can do this without building a wall, and we can protect our borders much better than we are doing now. That is what is in the Judiciary bill. It is an excellent starting point.

Again, I commend Senator SPECTER and the committee. They have done a great service to the Senate and to our country. I hope this Senate will do the right thing in passing that bill.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this point, morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2349, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2930, 2965, 2995, EN BLOC

Mr. DODD. Mr. President, on behalf of Senator OBAMA, of Illinois, I ask that it be in order to call up three amendments, and once the amendments are reported, that they may be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I call up amendments No. 2930, No. 2965, and No. 2995.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. OBAMA, proposes amendments numbered 2930, 2965, 2995, en bloc.

The amendments are as follows:

AMENDMENT NO. 2930

(Purpose: To clarify that availability of legislation does not include nonbusiness days)

On page 5, line 21, after ''hours'' insert ''or 1 business day, whichever is longer,''.

On page 6, line 7, after ''hours'' insert ''or 1 business day, whichever is longer,''.

AMENDMENT NO. 2965

(Purpose: To ban employment negotiations to become lobbyists by Members of Congress and required recusal for senior congressional staff while in office)

At the appropriate place insert the following:

SEC. ___. BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

(a) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

''(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

''(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.''.

(b) CRIMINAL PROVISION.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROHIBITION ON EMPLOYMENT NEGOTIATIONS WHILE IN OFFICE.—

''(1) IN GENERAL.—No officer or employee of the executive branch of the United States Government, an independent agency of the United States, or the Federal Reserve, who is compensated at a rate of Executive Schedule Level I, II, or III, shall negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist, as determined by the Office of Government Ethics.

''(2) PENALTY.—A violation of this subsection shall be punished as provided in section 216.''.

AMENDMENT NO. 2995

(Purpose: To expand the prohibition on lobbying in the year after leaving service to the Senate to include a prohibition on paid coordination activities)

At the appropriate place insert the following:

SEC. ___. PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. A Member of the Senate or an employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress.''.

Mr. DODD. Mr. President, I ask that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2960

Mr. DODD. On behalf of Senator LEVIN of Michigan, I call up amendment No. 2960, and once it is reported, I ask that it be set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEVIN, proposes an amendment numbered 2960.

The amendment is as follows:

AMENDMENT NO. 2960

(Purpose: To require electronic filing and establish a public database for lobbyists for foreign governments)

At the appropriate place in the bill, add the following:

SEC. ___. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

''(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.''.

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

''(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

''(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registration statements and updates filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

''(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.''.

The PRESIDING OFFICER. The amendment is set aside without objection.

AMENDMENT NO. 2963

Mr. DODD. Mr. President, on behalf of Senator FEINGOLD, I call up amendment No. 2963, and once it is reported, I ask that it be set aside as well.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. FEINGOLD, proposes an amendment numbered 2963.

The amendment is as follows:

AMENDMENT NO. 2963

(Purpose: To remove lobbyists all together from Member trips)

On page 9, after line 10, insert the following:

''(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent and

''(iv) registered lobbyists will not participate in or attend the trip;''.

The PRESIDING OFFICER. The amendment is set aside without objection.

AMENDMENTS NOS. 3181 AND 3182, EN BLOC

Mr. DODD. On behalf of Senator BYRD of West Virginia, I ask that it be in order to call up two amendments, and once the amendments are reported, that they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I call up amendment No. 3181 and amendment No. 3182.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. BYRD, proposes amendments numbered 3181 and 3182, en bloc.

The amendments are as follows:

AMENDMENT NO. 3181

(Purpose: To clarify the termination date of the Commission)

On page 50, strike lines 8 through 13 and insert the following:

(1) FINAL REPORT.—Two years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

AMENDMENT NO. 3182

(Purpose: To clarify the subpoena powers of the Commission)

On page 46, after line 7, insert the following:

(d) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

Strike Sec. 266(a)(2) and (b).

The PRESIDING OFFICER. The amendments are set aside without objection.

AMENDMENTS NOS. 2980, 2981, 2983, 2961, 3175, 2970, 2936, 2937, AND 2982, EN BLOC

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent to call up the following amendments en bloc and that they be temporarily set aside after they have been called up: amendments Nos. 2980, 2981 and 2893, introduced by Senator ENSIGN; amendment No. 2961, introduced by Senator CORNYN; amendment No. 3175, introduced by Senator COBURN; amendment No. 2970, introduced by Senator SUNUNU; and amendments Nos. 2936, 2937, and 2982, these by Senator INHOFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2980

(Purpose: To include Federal entities in the definition of earmarks)

On page 5, line 2 strike ''a non-Federal'' and insert ''an''.

AMENDMENT NO. 2981

(Purpose: To clarify the treatment of out of scope matters in conference reports)

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITIONS.—In this section:

(1)(A) The term ''unauthorized appropriation'' means an appropriation—

(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

(2) The term ''new or general legislation'' has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term ''new matter'' means any matter not committed to conferees by either House.

(4) The term ''nongermane matter'' has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

AMENDMENT NO. 2983

(Purpose: To permit a Senator to raise a single point of order that several provisions violate Section 102)

On page 3, line 12, strike ''shall be made and voted on separately for each item in violation of this section'' and insert ''may be made and voted on separately for each item in violation of this section.

It shall be in order for a Senator to raise a single point of order that several provisions of a conference report or an amendment between the Houses violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.''

AMENDMENT NO. 2961

(Purpose: To require lobbyist to distinguish whether clients are public or private entities)

On page 24, after line 22, insert the following:

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality of a State or local government, or a private entity.''.

AMENDMENT NO. 3175

(Purpose: To require full disclosure of all entities and organizations receiving Federal funds)

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) IN GENERAL.—Effective beginning January 1, 2007, the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

(1) the name of the entity;

(2) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

(3) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

(4) the location of the entity and primary location of performance, including the city, State congressional district, and country;

(5) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

(6) any other relevant information.

(b) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity''—

(A) includes—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) any other legal business entity;

(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

(viii) any State or locality; and

(B) does not include—

(i) an individual recipient of Federal assistance;

(ii) a Federal employee; or

(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

(2) FEDERAL FUNDING.—The term ''federal funding''—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

(B) does not include credit card transactions or minor purchases.

(3) SEARCHABLE DATABASE WEBSITE.—The term ''searchable database website'' means a website that allows the public to—

(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

(B) download data included in subparagraph (A) including outcomes from searches.

(c) WEBSITE.—The database website established by this section—

(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

(2) shall provide an opportunity for the public to provide input about the utility and of the site and recommendations for improvements; and

(3) shall be updated at least quarterly every fiscal year.

(d) AGENCY RESPONSIBILITIES.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

(e) REPORT.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.

AMENDMENT NO. 2970

(Purpose: To revise the time period for Internet availability in the provisions relating to earmarks and availability of conference reports from 24 hours to 48 hours)

Beginning on page 4, strike line 21 and all that follows through page 6, line 7, and insert the following:

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''EARMARKS

''1. In this rule—

''(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

''(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

''2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

''(1) all earmarks in such measure;

''(2) an identification of the Member or Members who proposed the earmark; and

''(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.''.

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

''7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.''.

AMENDMENT NO. 2936

(Purpose: To provide a 1-year prohibition against lobbying for senior career staff of executive branch agencies)

On page 40, after line 2, insert the following:

(c) SENIOR EXECUTIVE PERSONNEL GENERALLY.—Section 207(a) of title 18, United States Code, is amended by adding at the end the following:

''(4) ONE-YEAR RESTRICTIONS ON CERTAIN EMPLOYEES OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—Any person who is an officer or employee in the Senior Executive Service, is employed in a position subject to section 5108 of title 5, is employed in a position subject to section 3104 of title 5, or is employed in a position equivalent to a level

14 position in the General Schedule (GS–14) (including any special Government employee) of the executive branch of the United States (including an independent agency) and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.''.

AMENDMENT NO. 2937

(Purpose: To amend the Lobbying Disclosure Act of 1995 to extend coverage to all executive branch employees)

On page 34, strike line 7 and insert the following:

SEC. 221. COVERAGE OF ALL EXECUTIVE BRANCH EMPLOYEES.

Section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; and'';

(3) by adding at the end the following:

''(6) any other employee of the executive branch.''.

SEC. 222. EFFECTIVE DATE.

AMENDMENT NO. 2982

(Purpose: To provide criminal penalties for lobbying by exempt organizations)

On page 25, after line 11, insert the following:

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by adding at the end the following: ''An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by section 18 shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.''.

The PRESIDING OFFICER. Without objection, the amendments are set aside.

Mr. LOTT. Mr. President, I believe we are ready to go forward with amendments postcloture. We did get an agreement last night to go to the Feingold amendment. I see the Senator from Wisconsin is on the Senate floor, so I yield to him to call it up at this time.

AMENDMENT NO. 2954

Mr. DODD. Mr. President, I ask my colleague to yield just to make a request.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask that an amendment by Senator BAUCUS of Montana, amendment No. 2954, be called up and that amendment be laid aside as well.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is called up and set aside.

The amendment is as follows:

AMENDMENT NO. 2954

(Purpose: To prohibit Members from using 501(c)(3) organizations for personal or political gain)

On page 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A Member of the Senate shall not use for personal or political gain any organization—

''(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

''(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

''(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

''(2) any of the Member's staff is employed by the organization,

''(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

''(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

''(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

''(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

''(2) For purposes of this subparagraph, an applicable contribution is a contribution—

''(A) which is to an organization described in subparagraph (a);

''(B) which is over $200; and

''(C) of which such Member or employee, as the case may be, knows.

''(3) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

''(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

''(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

''(A) the independence of the Member from the organization;

''(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

''(C) the risk of abuse; and

''(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2007.

SEC. 114. EFFECTIVE DATE.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 2962

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2962.

Mr. FEINGOLD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2962

(Purpose: To clarify the application of the gift rule to lobbyists)

On page 8, after line 16, insert the following:

''(iii) For purposes of this subclause, the term 'registered lobbyist' means any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act, and any employee of such registrant as defined in section 3(5) of that Act.''.

Mr. FEINGOLD. Mr. President, first of all, I commend my friend from Connecticut and also the Senator from Pennsylvania for their amendment on meals that was offered before the recess, and also the Senator from Mississippi, the chairman of the Rules Committee, for accepting it. If we are going to have a lobbyist gift ban, it clearly has to include meals. The provision in the underlying bill that allowed for Senators and staff to continue dining at the expense of lobbyists as long as those meals are disclosed on the Senator's Web site would have been an administrative nightmare and also created a subculture of lawbreaking just as, unfortunately, the $50 limit has done.

The way we avoid that is just to ban meals from lobbyists, as we have banned gifts in the underlying bill.

I am obviously not going to stand here and say that any Senator's vote can be purchased for a free meal or a ticket to a football game. But I do not think anyone can say that all lobbyists are buying these meals out of the goodness of their heart. At this point, no reform bill is going to be credible that does not contain a strict lobbyist gift ban. And no one has ever explained to me why Members of Congress need to be allowed to accept free meals, tickets, or any other gift from a lobbyist. If you really want to have dinner with a lobbyist, no one is saying that you cannot. Just take out your wallet and pay your own way. I can tell my colleagues from personal experience that you will survive just fine under a no-gifts policy. The Wisconsin Legislature has had such a policy for some 30 years and I brought it here with me to Washington. And I certainly have not gone hungry.

We ought to just stop the practice of eating out at the expense of others. It is not necessary. It looks bad. It leads to abuses. So I support the Dodd-

Santorum amendment on meals and I am glad that it was adopted.

Here is the problem that I seek to address in my amendment. We have just said that we want to ban all gifts from lobbyists—tickets, meals, presents, everything. But it is a little known fact that the Ethics Committee already has in place an interpretation of the term ''registered lobbyist'' that narrows it somewhat. That interpretation might make some sense for the prohibitions on lobbyists that are currently in our rules. But that same interpretation, if it is applied to this gifts and meals ban, will create a huge loophole.

Here is how it works. As my colleagues know, the Lobbying Disclosure Act requires organizations, trade associations, and companies that employ in-house lobbyists to file a single registration. The registrant is the organization, and it lists its individual lobbyists on its registration form. For purposes of the gift rules now, the Ethics Committee treats the actual listed lobbyists as registered lobbyists, but not the organization. If you do not believe me, look on page 43 of the Ethics Manual. Here is the language:

For purposes of applying the special restrictions on lobbyists in the Gifts Rule, an organization employing lobbyists (outside or in-house) to represent solely the interests of the organization or its members will not be considered to be a ''lobbyist.''

If that interpretation is applied to the gift and meals ban, that means that the organization can continue to offer gifts and meals to Senators and staff.

So, for example, a company can give a Senator free tickets to a show or a baseball game, as long as a lobbyist doesn't actually offer or handle them. If the lobbyist's secretary makes the call or the organization's CEO president, that would be permitted, or a lobbyist can invite a Senator or staffer to dinner, as long as he brings along someone else from the organization to pick up the tab with the company credit card.

Let me read some of the companies and organizations that have registered under the LDA because they have in-house lobbyists. All of the organizations I am about to list, and hundreds more, will be able to continue to give gifts unless my amendment is adopted: Chamber of Commerce for the U.S.A.; Association of Trial Lawyers of America; General Electric Co.; American Medical Association; Northrop Grumman Corp.; Edison Electric Institute; AFL–CIO; Verizon Communications Inc.; Business Roundtable; Pharmaceutical Research & Manufacturers of America; National Association of Realtors; ExxonMobil Corp.; SBC Communications Inc.; Boeing Co.; Lockheed Martin; AT&T Corp.; General Motors Corp.; American Association of Retired Persons (AARP); Sprint Corp.; Microsoft Corp; American Council of Life Insurance; Pfizer Inc.; National Association of Broadcasters; Citigroup; J.P. Morgan Chase & Co.; Securities Industry Association; American Bankers Association; The Seniors Coalition; Ford Motor Co.; Merck & Co.; American Bankers Association; American Farm Bureau Federation; IBM Corp.; National Cable and Telecommunications; Association and state affiliates; Eli Lilly and Co.; Brown & Williamson Tobacco; American International Group Inc.; General Dynamics Corp.; Motorola Inc.; Southern Co.; BellSouth Corp.; ChevronTexaco; Investment Company Institute; Alliance of Automobile Manufacturers, Inc.; GlaxoSmithKline; DaimlerChrysler Corp.; Textron Inc.; Bristol-Myers Squibb Co.; United States Telecom Association; Intel Corp.; National Association of Manufacturers; Health Insurance Association of America; Time Warner; Marathon Oil Corp.; American Association of Health Plans; Abbott Laboratories; Union Pacific Corp.; American Chemistry Council; BP Amoco; Shell Oil Co.; United Technologies Corp.; Mortgage Insurance Companies of America; Honeywell, Inc.; Qwest Communications International Inc.; Property Casualty Insurers Association of America; Aircraft Owners and Pilots Association; Wyeth; Walt Disney Co.; Biotechnology Industry Organization; Prudential Financial Cos.; Merrill Lynch & Co. Inc.; Monsanto Co.; CTIA—The Wireless Association™ (formerly the Cellular Telecom Industry Association); The Bond Market Association; Asbestos Study Group; Johnson & Johnson, Inc.; Schering-Plough Corp.; Procter & Gamble Co.; American Forest & Paper Association; National Federation of Independent Business; American Institute of CPAs; Raytheon Co.; Visa USA Inc.; American Airlines; and International Paper Co.

These are all companies that have registered under the Lobbying Disclosure Act because they have inhouse lobbyists. So let me repeat. All of the organizations I just listed, and hundreds more, will be able to continue to give gifts, tickets, and meals unless my amendment is adopted. By the way, each of the organizations I just listed has reported spending between $15 and $200 million on lobbying activities between 1998 and 2004. So let me make this very clear. If these companies can still give gifts, we won't have a real lobbyist gift ban. We won't be able to look the American people in the eye and say, ''we just banned gifts from lobbyists,'' because we didn't.

We ought to just stop the practice of eating out at the expense of others. But we need to make sure it's a real ban. My amendment will do that. It simply says that for purposes of the gift ban only, the term ''registered lobbyist'' means any person or entity who is registered under the LDA and any employee of that entity. Very simple, and very fair.

Now let me point out one other thing before people get all worried. All of the exceptions in the current gift rule continue to apply to the meals and gift ban. That means it does not impact our colleagues, relatives, personal friendship, widely attended events, food and drink of nominal value, etc. So that means that employees of these organizations can still have their friends who work on the Hill over for dinner, they can still go out on dates, they can still exchange Christmas gifts, they can still get a housewarming gift from a neighbor. Organizations can still host receptions and Members and staff can attend and have a bit to eat. My amendment simply makes sure that organizations that are registered under the LDA can't get around the gift ban by having people other than their lobbyists offer tickets or meals or other gifts.

I say this with great respect for the Senators who have worked so hard in putting this bill together.

If we are serious about changing the rule on gifts and meals, we have to take the interpretation seriously. My amendment makes it clear that we mean what we say. The era of the free lunch will be over. For real. As it should be. If it is not adopted, there is no conclusion to be drawn but that we are trying to pull the wool over the eyes of the American people. I don't want that to be the story coming out of this debate. I hope the managers will accept this amendment and, if not, I urge my colleagues to support it.

Mr. LOTT. Mr. President I rise in opposition to the amendment. I have worked in this area to make sure that we did some things that were necessary and realistic. I think we should make it clear about gifts. We do that in this legislation. We can't accept gifts.

I am offended at the very idea that some meal is going to cause me to vote one way or the other. But it suits me fine. As I have said on this floor, I would be happy not to ever have to go to another luncheon or dinner. I would just as soon go home and order a Big Mac. But I think this goes a step further which is problematic in a way that I don't believe the American people expect us to do or that we would want to do.

Under the Lobbying Disclosure Act of 1995, individuals who lobby on behalf of other entities must register as a lobbyist. In addition, organizations such as corporations, trade associations, or a labor union that employs in-house lobbyists or outside lobbying firms are required to register under the act.

However, for purposes of applying the restrictions that are imposed on lobbyists under our gift rule, an organization that employs lobbyists to represent organizations or its members' interests is not considered to be a lobbyist.

Thus, for example, the AFL–CIO employs lobbyists. But for purposes of the Senate gift rule, the AFL–CIO can sponsor a congressional factfinding trip whereas if the AFL–CIO employed an outside lobbying firm, the lobbying firm cannot sponsor such a trip.

Under the proposed amendment, for the purposes of our new rule banning

gifts and meals, the employees of the AFL–CIO would all be considered to be registered lobbyists. Janitors at the AFL–CIO would all be considered registered lobbyists. The janitors at the AFL–CIO headquarters, the secretaries in the organization, all would be deemed to be registered lobbyists.

I am the son of a shipyard worker pipefitter union member. How far would this extend? Would you not be able to go to a meal with a supervisor of a pipe department because they have a lobbyist, not to mention the CEO?

So this is not just about corporate America. It is also about union member trade associations and other organizations. We are trying to deal with how we relate to lobbyists, but now we are going to extend it way beyond. You will not be able to go to a meal with the chairman of the board of a sardine manufacturing plant. And why not, when you are in your State and you have an opportunity to go meet with workers and sit down with them? Are we going to be able to have a cup of coffee and a donut?

I think we are beginning to go from the sublime to the ridiculous. It could go on and on.

I am a big fan of Domino's pizza and McDonald's and Big Macs. I love them. They are bad for you, but they are wonderful.

What about the kids working behind the counter? Would they be considered registered lobbyists because McDonald's has lobbyists? I assume they do. I don't think I have ever met one.

By the way, in the case of McDonald's, there are franchises. They own all the McDonald's in the Mississippi Delta, or they might own 10 or 12. Would I not be able to go to lunch with my longtime friend in the Mississippi Delta who owns those 12 McDonald's in the delta? Not only would I miss an opportunity to be with a friend, I would not have an opportunity to understand the challenges and difficulties of running a small business, or running a restaurant in these towns, problems with crime, workers' problems, workers' needs, the lack of insurance for entry-level employees.

How are we supposed to know all of this stuff? Like manna from heaven? We have to stay in touch with reality in order to serve here. We have turned ourselves into not citizen legislators but professional Senators in this room divorced of any opportunity to hear what people have to say. It is OK to talk to them so long as we don't have anything to eat. I think we are going a step too far.

Every company in the Fortune 1000 employs a lobbyist, either a private firm or an in-house lobbyist. Under this amendment, every person who works for Exxon, Wal-Mart, Home Depot—not exactly dangerous places—and countless other businesses that employ lobbyists in Washington would be considered registered lobbyists.

I honestly cannot believe that we want to pass an amendment that wants to turn every employee not only in corporate America but in management and labor and other associations into registered lobbyists. But I think that is what the effect of this would be.

If the Senator wants to ban the CEO and chairman of the board of the company from paying for a meal, or the head of a labor union, do that specifically. But this is so broadly developed I think it goes way beyond that.

I think we would be well advised not to accept this amendment. I reluctantly went along with accepting the amendment earlier about dealing with lobbyists, but that is OK. I am willing to do things that would prohibit improper conduct, or even the appearance of it, but I think this is a leap way too far.

I hope we would not accept this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I enjoyed listening to the remarks of the Senator from Mississippi. This reminds me of the experience in 1994 when there was stiff resistance to the idea of having a gift ban in the Senate. We achieved a significant victory by having at least a $50 limit which has been, unfortunately, abused to this day.

I would like, at this time, to get this done in a way that does not cause us to have to come back. The point I make to my friend from Mississippi is that this is a real loophole. I am not trying to find some esoterical problem. It is a real loophole if employees of large companies, where the companies are registered as lobbyists, if they are able to buy meals. It undercuts the whole idea that we are prohibiting meals by lobbyists and their employees.

I make two responses. First, this does not apply to companies that are not registered as lobbyists. For example, if the Senator from Mississippi were to have lunch with, say, a banker in Jackson, MS, whose company bank does not have a lobbyist, this does not affect that situation. Let's not exaggerate how far it goes.

What is more important, I don't understand the premise. The Senator said he would not be able to have lunch or have dinner with a CEO. Why not? All you have to do is split the bill. It is that simple. Maybe it is a different cultural tradition, but in Wisconsin if you go to lunch with someone, or dinner, more times than not, you split the bill. It seems to me that Senators know how to do that. It is not about the person trying to buy you a meal. It is just a good thing for us to do.

Whether this is practical or impractical, I say this again, we have had this rule in Wisconsin for over 30 years for our State legislature. It has worked just fine. Sometimes we kid around about it, the cup of coffee situation, but it is a good, clean rule. And people understand, when you are a legislator in Wisconsin, you pay your own way. That is all there is to it. It is that simple.

I don't want to prohibit the Senator from Mississippi or anyone else from socializing with whomever he wants, and I certainly enjoy sharing dinner with friends. Sometimes, they are lobbyists. There is no problem, though, with paying your own way.

If we don't do this, if we do not adopt this amendment, we are stuck with a big loophole. I think the fears about this being difficult to administer are exaggerated.

I retain the balance of my time.

Mr. DODD. How much time remains?

The PRESIDING OFFICER. The Senator from Mississippi has 13½ minutes; the Senator from Wisconsin has 9 minutes.

Mr. DODD. Mr. President, may I be informed when I have consumed 10 minutes. I see my friend from Maine is here. She would like 2 or 3 minutes, as well.

The PRESIDING OFFICER. Who yields the time?

Mr. LOTT. Mr. President, I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I say to my friend from Wisconsin, he and I have worked together on a lot of issues. I consider him one of my best friends in this institution. I appreciate his kind remarks about the adoption of the Dodd-Santorum amendment, about 3 weeks ago now, when our joint amendment provided a total ban on meals coming from lobbyists.

I never could keep straight exactly what the numbers were, for example, how much you could take at lunch and how much you could take at dinner. We decided we would require some bright line tests. Rather than going through and setting a dollar amount—people probably forget the number anyway and put themselves in jeopardy of being found guilty of something, unintentionally—we offered and passed a total ban on meals, without exceptions.

So meals from lobbyists are now banned when this legislation becomes law. If you violate the ban provision, the fine is a maximum of $100,000 under the legislation we are adopting.

The concern I have about my colleague from Wisconsin and his amendment is that it is broader and includes a much larger audience. This bill is about lobbyists. You become a lobbyist through registration under the Lobby Disclosure Act. It is not a self-selecting process where I decide tomorrow I'm a lobbyist. In fact, you have to register and go through a process to become a lobbyist.

We have been very concerned for obvious reasons, given the recent past history, of what happens when lobbyists engage in certain activities, some lawful and some unlawful, and the perception of whether Members of this institution have somehow compromised themselves in those dealings. We have been determined to try and draw that bright line. My concern is that we begin to blur that line because now we are going to be declaring de facto—not

by law, not because they have registered—that virtually hundreds of thousands of people have become lobbyists. They will have no idea they have become one, but they have become one under this amendment, subjecting themselves, potentially, to a $100,000 fine for purchasing a meal for a Member of Congress. As a practical matter, that is what will happen here.

If your organization hires a lobbyist, and most do—I presume even the bank in Mississippi has a lobbyist; today, almost every major institution, financial or otherwise, has someone who is representing their interests—the lobbyists have to register if they come to the Senate and talk to us. Therefore, they become not only de facto, but de jure lobbyist because they have had to register to do so. If you are an employee of that bank, however, and you live next door to someone, you are a longstanding friend, and my colleague from Wisconsin is correct in this regard, if a longstanding friend of my friend from Mississippi took him to lunch, that would be an exception to the rule. However, that longstanding friendship is subject, obviously, to some analysis as to how long the friendship is. That could pose this difficulty.

I don't think we want to extend this, in my view, and my colleagues may decide when we vote on this and reach a different conclusion, to dealing with this legislation on lobbyists and their relationship to Members of Congress, by expanding the universal definition of what is a lobbyist, to virtually every other employee of an organization that hires a lobbyist to represent their interest. This type of expansion goes too far and is overly broad.

Let me tell you one fact situation that worries me. I had hoped maybe my colleague might provide for some legislative language to close a potential loophole that I think could exist under the present circumstance. That fact situation is the following. The lobbyist invites the secretary to go out to have lunch with a Member of Congress. The secretary picks up the tab. The lobbyist is there. The lobbyist may have provided money to the secretary to provide lunch. Now, that would be an abuse of what Congress intended here because it then would be doing indirectly what cannot be done directly, in a sense, bringing someone who is not a lobbyist to lunch. The lobbyist is at the lunch, they buy the meal, but at least ostensibly the person who actually bought the lunch was not the lobbyist.

If there was some situation we could close that loophole, that would be abuse of what we are trying to do. But to extend broadly that every employee of every organization that hires a lobbyist would then become a lobbyist, in effect, for the consideration of this legislation, seems to me to go way beyond what we are intending to accomplish in this legislation.

Again, I made the case to my colleagues, reform is not a static event. It is an organic event. It grows over time. What we consider to be reform today or not reform today, may down the road be the case. I have been involved in every virtual effort on reform here for the last 25 years. Twenty-five years ago what was considered appropriate behavior, that no one had difficulty with, today we would consider very inappropriate behavior. And 5 years or 10 years down the road, maybe we will have different standards.

As of today, I urge my colleagues, as of today, on this bill, dealing with registered lobbyists, we have banned meals. That is a major step for this institution to take. Cut it out altogether. If you are a registered lobbyist, that is it, no more meals.

Let me also say, there is nothing in this legislation which permits any Member of Congress from doing that which they want to do. If a Member of Congress, a Member of this institution does not want to accept a meal from anyone, there is nothing in law which prohibits a Member from doing that. If a Member feels as though somehow it is wrong to be doing it, I strongly suggest that Member not do it. But it seems to me to extend this lobbying bill to people who have no intention of ever being a lobbyist, never see themselves in that regard, have relationships, as my colleague from Mississippi has pointed out in our own States, with delegations, with staff, with others, these have occurred hundreds and hundreds of times when Members are back in their own areas—not longstanding friends, not relatives, people they do not know that well at all but sit down under a variety of different circumstances, including home settings, picnics, barbecues, other things, where you may find yourself in violation of this law.

I don't think we want to do that. That goes a step further than what we should be trying to accomplish with this legislation. I don't want to have to say to my constituents, you are potentially guilty of a violation of law, subjected to $100,000 fine if you fall into this category, or to one of our colleagues as well.

We have done a good job, in my view, on this meals provision. It is a strong line. It is a bright line. There is no longer any question of whether it is a $10 meal or a $50 meal or a $100 meal; you cannot accept a meal from a lobbyist. That is it. If you do, you are potentially in violation of Federal law, or certainly civil penalties. That is where the bright line, in my view, ought to exist.

I have great respect for my colleague from Wisconsin. He has been a champion of reform efforts since the day he arrived. I respect him for it immensely. But in this one, we are taking it a step further than I believe we should go at this juncture.

I urge my colleagues to either table this amendment or reject it, depending on what the motion will be when the matter comes for a vote.

My respect for him is unlimited. I thank him for his thoughts in this regard but I urge the rejection of this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. FEINGOLD. Mr. President, I express my gratitude not only for the Senator's kind remarks to the Senator from Connecticut but I am pretty sure the McCain-Feingold effort that we fought for, for 8 years, would not have succeeded if not for the brilliant leadership of the Senator as manager on the floor, for which I am always grateful and also for his friendship.

I pursue the example that the Senator raised in a constructive way. In the scenario the Senator raised where the secretary would come with lobbyists, what is the Senator's thought about how she would be paying for that? Would she be paying for that with the company credit card, for example?

Mr. DODD. Again——

Mr. FEINGOLD. Or with a personal?

Mr. DODD. Under his amendment, that would be a banned activity.

Putting aside whether she showed up with a lobbyist—if she shows up, and you go out and have lunch, and she pays for it with the company credit card—under the amendment before the Senate, that would be a violation. She could be fined $100,000.

Mr. FEINGOLD. And does the Senator agree, under your current amendment, that the secretary would be able to use the company credit card to pay for it under the amendment we have agreed to?

Mr. DODD. That is correct. If she is not a lobbyist and she takes you to lunch and she decides that is how she is paying for it, she is not a registered lobbyist, she is not in violation of the law in the amendment we agreed to.

Mr. FEINGOLD. On this point—obviously, it may not be a secretary or a CEO of a company; it could be some other employee—would the Senator at least consider whether we should take the step of prohibiting the use of company resources or company credit cards? In other words, I think it should be broader. You have raised some concerns about that. What about allowing personal resources to be used but not company resources?

Mr. DODD. I would certainly consider it.

The point I make, about the goal of this bill—the Senator and I have talked about this at great length—is the bill should be narrowly tailored to registered lobbyists and their relationships to Members of Congress and senior staff.

My concern under this bill, is that by expanding that definition of a ''lobbyist'' to include anyone who would use resources that were not their own, we are opening up a universe and making the legislation overly broad. I don't

think we want to go that far at this particular juncture. That is my own sense of matters.

It turns virtually everyone who works for any of these associations, labor unions, trade association, a small business, a large corporation, into a defacto lobbyist. I think the opening up of a universe of that size based on whether the lunch was paid for by a company credit card or their personal credit card at that particular time, goes too far.

Mr. FEINGOLD. I think the Senator sees where I am going with this. I think the Ethics Committee and others will have to be very reasonable interpreters.

The PRESIDING OFFICER. The Senator from Connecticut has used 10 minutes.

Mr. FEINGOLD. I will have him respond on my time.

The situation is that you are raising situations with personal friends, and in those situations I don't disagree, I don't think there would be a problem. I think the exception would be properly interpreted.

I am asking the Senator to at least perhaps consider whether we really want the kind of scenario that the Senator posits, where a company basically lines up people to come in and act as the person that uses the company credit card. It seems to me we have an opportunity to fix something here, not go as far as I want to go but at least prevent the use of company resources and at the same time avoid the possibility of the true personal friendship situation from being affected.

Mr. DODD. If my colleague will yield, I cited that example, and I hope I did not invite those out there who may decide to use this as a loophole.

If this becomes a problem, we ought to revisit the issue and somehow prohibit it because that is abusing the intent of the legislation.

It seems to me to pass legislation which would turn virtually millions of people—when you start talking about the number of people who can be affected by this—into lobbyists, per se, on the abject possibility that someone may abuse this down the road goes to far.

It goes further than I would at this juncture. In time, if we see those who have engaged in this abuse have carved another loophole, I am prepared to come back and deal with that fact situation.

It is a fact situation that worries me. I say that to my colleagues. I am not unconcerned about it, but I am not so concerned about it at this juncture that I am willing to put everyone else—the millions of others who would not think about that, nor would they do that—in harm's way. That is my concern, putting innocent people, potentially, in harm's way. I do not think our intentions here, as Members, ought to be that.

We are dealing with lobbyists. We are dealing with registered lobbyists. They have to go through certain procedures to achieve that status. Once they have achieved that status, there is a concern. We are trying to deal with that problem. Taking people who go way beyond that definition, it seems to me, is a step that at least I do not want to go that far.

Mr. FEINGOLD. Mr. President, obviously, not only do I respect what the Senator from Connecticut is doing, but I know his intentions are absolutely to have the strongest possible bill we can have.

What I am trying to do, as strongly as I feel about this issue—because, again, Wisconsin has had this system, and it has worked just fine. So based on my own personal experience, this is not some kind of a crazy system. Nonetheless, what I am trying to get at is a way that we could have a rule, that even if somebody is technically considered a lobbyist—or we could do it some other way—they just could not use company resources to purchase the meal. That seems to me to be a very reasonable step.

When somebody goes out to lunch or dinner with somebody, it is one thing if they buy a friend or even someone they just met a meal, it is another thing when they are using that company credit card. So obviously I am interested in the amendment I have offered, but I would ask the Senator to think about whether what I am saying is an attempt to come to some kind of a reasonable agreement that actually addresses the hypothetical that he has raised.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time is remaining in opposition?

The PRESIDING OFFICER. Three minutes.

Mr. LOTT. Three minutes.

Mr. President, I yield the remainder of our time, except for the final 15 seconds, to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Mississippi.

Mr. President, let me begin by expressing my admiration for the Senator from Wisconsin. He is a champion of good government. I worked very closely with him on the McCain-Feingold bill, and I think the world of him.

I know the intent of his amendment is admirable, but I do not think it is workable. It is far too sweeping, and it will lead to all sorts of problems. There are literally millions of Americans who work for LDA registrants. For example, I would imagine that nearly every employee of a Fortune 500 company fits in that category. Many of those employees have absolutely no responsibility for the lobbying activities of their companies. They probably have no idea their company, their employer, is an LDA registrant.

That is why I do not think this is workable. I think it will create all sorts of inadvertent violations of this important law. What we would be doing, as the Senator from Connecticut has pointed out, is treating rank-and-file employees as if they were registered lobbyists. That does not make sense.

The fact is, a lot of business in this country is done over lunch, an informal lunch. I have lunch occasionally with the union presidents from one of my shipyards. Is that all of a sudden going to become an offense under this proposal because the shipyard employs a lobbyist in Washington?

I think we need to think more thoroughly about the implications of this amendment. Its sweep is enormous. It brings millions of rank-and-file employees into the jurisdiction of the Lobbying Disclosure Act. I do not think that is addressing any problem.

Now, I do think it is important we strengthen this bill to make very clear that registered lobbyists cannot buy meals for Members of Congress. I support that reform. But let's have a sensible bill.

I do rise in opposition to the amendment from my good friend from Wisconsin.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe we have had a good debate. I know the intent of the amendment's sponsor is an honest one, but I really think we are going down a trail we should not be. And I do not see how you can start parsing it back away from it. So I would move to table the amendment at this point and ask for the yeas and nays.

Mr. FEINGOLD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin still has 5½ minutes remaining.

Mr. LOTT. All right. At the appropriate time I will move to table and will ask for the yeas and nays.

Mr. FEINGOLD. I thank the Senator from Mississippi.

Mr. LOTT. Mr. President, how much time is left?

The PRESIDING OFFICER. There is 5 minutes 15 seconds.

Mr. FEINGOLD. I do not know if I will use the whole time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I have such regard for the Senator from Maine that I would consider an exception for any lobster in Maine because she and I have shared lobster in Maine, and that is a very special thing I think everyone would accept.

My admiration for this Senator from Maine on these issues is truly boundless. She is the one who, somehow, we convinced to join us very early on McCain-Feingold. And just like I said about Senator DODD, if not for Senator COLLINS, there is no way this major reform would have ever passed. So I am talking to some of the people who truly

have been reformers in Congress over the years, some of them much longer than I have been. And I say all of this with respect.

Let me say this. We know, because some of us have been working on this for some time, that these opportunities for reform do not come up every year. They tend to come up when something bad happens, whether it be the concerns about the 1996 campaign finance violations or the Abramoff scandal. It is not like we are going to have a chance to do this next year because that is not the way this place works. And, frankly, there are weightier matters that face this country.

But I am warning my colleagues, this is a chance to not have another embarrassing loophole. If we do not do what I am suggesting here, we are going to be embarrassed. There are going to be meals arranged—not the kind of scenario Senator DODD suggested: an innocent situation but a gaming of this meal ban to allow expensive meals to be bought by people who work for some of the companies I have listed.

I do not think people are going to feel good about that. I think it could raise some of the very things we talked about in terms of the whole Abramoff scandal that led to this. I think we are missing an important opportunity to make sure this bill passes the test with the American people. So again, with respect, I offer this amendment to make sure this amendment works.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator.

I have been listening to the debate in my office, and I understand the concern the leadership is expressing. It seems to me it boils down to an inadvertent concern. But, folks, I think the Senator from Wisconsin has a point. I have had it as my practice since I have been in the Senate—and I don't think it is so hard—that when you sit down and have a meal, to just split the bill or you pay for it. I don't get that.

Now, I am going to vote with the Senator. I expect he is going to lose on a tabling motion. But maybe there is a way he can come back and tighten up this inadvertent piece. Because I do understand. I have been in a position where I have sat with someone, told them I cannot let them buy my lunch. They go ahead—and it is a friend or somebody who I have known for a while—and I found out later they paid with a company credit card. They told me they were.

Now, I know that is an exception. I know because the person is a friend, it would get me out anyway of the exception under this rule. But the point I am making is, I can picture someone saying ''Don't worry. I am taking care of my share,'' and it is a company credit card. If that is the worry, there ought to be a way to deal with that.

But I say, with due respect—there is nobody I am closer to and think has more wisdom than the Senator from Connecticut—but this one seems pretty simple to me. If someone buys you lunch, buys you dinner, buys you breakfast, you can say: Hey, I want half the bill.

I am going to support the Senator. But maybe if it loses, there is a way to come back at it a different way. I don't know.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am grateful to the Senator from Delaware for his support and his ideas on this issue because he obviously knows what he is talking about, having been a Member of this body for a very long time.

I think, obviously, I will try to find some other way to do this. But he has stated the key point. This is not hard to do. This is what we have done in Wisconsin for decades. It is very simple to pay your own way. I do not know what it is, but I cannot understand what the problem is with having that kind of a clear prohibition. I think we will all be better off.

Mr. President, has the other side yielded their time? Has their time expired?

The PRESIDING OFFICER. Yes.

Mr. FEINGOLD. Mr. President, I yield my time.

Mr. LOTT. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in family.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—68

Akaka	Chambliss	Dole
Alexander	Cochran	Domenici
Allard	Coleman	Dorgan
Allen	Collins	Durbin
Bennett	Conrad	Ensign
Bond	Cornyn	Enzi
Brownback	Craig	Frist
Bunning	Crapo	Graham
Burr	DeMint	Grassley
Chafee	Dodd	Gregg
Hagel	Lieberman	Santorum
Harkin	Lott	Sarbanes
Hatch	Lugar	Shelby
Hutchison	Martinez	Smith
Inhofe	McCain	Snowe
Inouye	McConnell	Specter
Isakson	Mikulski	Stevens
Jeffords	Murkowski	Sununu
Johnson	Murray	Thomas
Kyl	Pryor	Thune
Landrieu	Reed	Voinovich
Lautenberg	Reid	Warner
Leahy	Roberts	

NAYS—30

Baucus	Dayton	Nelson (FL)
Bayh	DeWine	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Feinstein	Salazar
Boxer	Kennedy	Schumer
Burns	Kerry	Sessions
Cantwell	Kohl	Stabenow
Carper	Levin	Talent
Clinton	Lincoln	Vitter
Coburn	Menendez	Wyden

NOT VOTING—2

Byrd	Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, I ask unanimous consent to speak for no more than 4 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HAGEL are printed in today's RECORD under ''Morning Business.'')

Mr. LOTT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent to go off the ethics bill for 5 minutes to speak in morning business to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2468 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SCHUMER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent—and this is after extensive consultation during the noon lunch period by both sides, both committees, and Senators on both sides of the aisle. We would like to get this matter cleared up, and then I will be able to explain where we are and how

we can wrap up this important issue, hopefully within the hour.

I ask unanimous consent that it be in order at this time to raise one point of order against a series of amendments that violate rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I raise a point of order under rule XXII against amendments Nos. 2936, 2937, 2954, 2965, 2982, 3175, and 2995.

The PRESIDING OFFICER. Without objection, the point of order is well taken. The amendments fall.

AMENDMENTS NOS. 2930, 2960, 2961, AS MODIFIED, 2963, 2970, 3181, AS MODIFIED, 3182, 2979, 3184, 3185, 3186, 3187, AND 3188, EN BLOC

Mr. LOTT. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc, with modifications as indicated: amendments Nos. 2930, 2960, 2961, as modified; 2963, 2970, 3181, as modified; and 3182.

I further ask unanimous consent that a series of technical amendments that have been cleared on both sides and that are at the desk also be considered en bloc, agreed to, with motions to reconsider on each laid upon the table.

I ask unanimous consent that no other amendments be in order other than the pending amendments Nos. 2980, 2981, and 2983.

I further ask unanimous consent that following disposition of those amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object, we went through these numbers and procedures rather quickly. I would tell our colleagues that there were some very good ideas in these amendments. This is not a rejection of some of the concepts and ideas but, rather, under cloture we have to stick with the germaneness criteria.

If we started making exceptions, then this could have become an endless debate. It was painful in some cases because I substantively agreed with a number of these amendments. But the problem occurs, if we get into that process, we could be here for days trying to resolve these matters. We ended up following the rule saying if an amendment is not germane, it will have to fall.

Again I emphasize, this is not an indictment or criticism of the substance of some of these amendments but, rather, under the procedures we are operating, we cannot begin accepting some and rejecting others.

I thank my colleagues for offering these amendments. I presume we will see these amendments again under different circumstances where it will be appropriate to consider them. We have no other recourse but to apply rule XXII and ask the amendment be ruled out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2930, 2960, 2963, 2970, and 3182) were agreed.

The amendments, as modified, were agreed to as follows:

AMENDMENT NO. 2961, AS MODIFIED

On page 24, after line 22, insert the following:

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.''.

AMENDMENT NO. 3181, AS MODIFIED

On page 50, strike lines 8 through 13 and insert the following:

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

The technical amendments were agreed to, as follows:

AMENDMENT NO. 2979

(Purpose: To clarify disclosure requirements)

On page 22, lines 12 through 14, strike ''the registrant or employee listed as a lobbyist provided, or directed or arranged to be provided,'' and insert ''the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided,''.

AMENDMENT NO. 3184

(Purpose: To make a technical amendment)

On page 6, lines 13 and 14, strike ''Enrolling Clerks of the Senate and'' and insert ''Clerk of the''.

On page 6, line 16, strike ''and establish''.

AMENDMENT NO. 3185

(Purpose: To clarify that lobbying contacts for Congressional staff do not include seeking lobbying disclosure compliance information from the Clerk of the House of Representatives or the Secretary of the Senate)

On page 39, line 17, after ''employed.'' insert ''This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.''

AMENDMENT NO. 3186

(Purpose: To provide a technical amendment)

On page 44, line 18, strike ''503'' and insert ''263''.

AMENDMENT NO. 3187

(Purpose: To provide a technical amendment)

On page 40, after line 2, insert the following:

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 3188

(Purpose: To provide a technical amendment)

On page 27, lines 21 through 23, strike '', in addition to any'' and all that follows through ''House of Representatives.'' and insert ''. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.''.

Mr. LEVIN. Mr. President, I opposed the Ensign amendment on earmarks because I believe that it would have done more to hide earmarks than to expose them. Under the bill before the Senate, an earmark is defined as a provision, that specifies a non-Federal entity to receive assistance and the amount of that assistance. The Ensign amendment would have revised the language to include assistance provided to any entity, whether Federal or non-Federal. Every item of discretionary spending is directed to some entity. Most is directed to Federal entities, such as funding provided to the Department of Justice, the Department of State, or the Department of Defense, all of which are Federal entities. As I read the Ensign amendment, it would have categorized every item of Federal discretionary spending as an earmark. That would make the term meaningless. It would also hide the real earmarks in a huge list of routine funding provisions that none of us consider to be earmarks. The amendment is simply too broadly drawn, and that is why I opposed it.

Mr. LEAHY. Mr. President, I filed an amendment to the lobbying reform bill, S. 2349, on March 7. My amendment is the honest services amendment, No. 2924.

It is disappointing that there will not be an opportunity to offer my amendment—or to have it considered by the Senate—because cloture has been invoked and the strict rules governing amendments postcloture prevent me from offering this amendment.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed with respect to links between special favors and gifts and official acts, without incurring criminal liability. My amendment would have offered an important and needed new dimension to the lobbying reform bill. Ironically, because my amendment offers a new element to the lobbying reform debate, it is now out of order.

It was only with the indictments of Jack Abramoff, Michael Scanlon, and Randy ''Duke'' Cunningham that Congress took note of the serious ethics scandal that has grown over the last years. If we are serious about restoring public confidence in Congress, we need to do more than just reform the lobbying disclosure laws and ethics rules. Congress must send a signal that it will not tolerate this type of public corruption by providing better tools for Federal prosecutors to combat it.

My amendment would have done exactly that. It would create a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of honest services fraud involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under my amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

My amendment would also prohibit Members of Congress and their staff from accepting these types of gifts and favors or holding hidden financial interests in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years' imprisonment or both.

My amendment would strengthen the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment would authorize $25 million in additional Federal funds over each of the next 4 years to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad-ranging impact, including the devastating consequence of undermining the public's confidence in our Government. Earlier this month, the Washington Post reported that, as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade, who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

I strongly believe that public service is a public trust and that Congress must provide better tools for Federal prosecutors to combat public corruption in our Government. If we are serious about reform and cleaning up this scandal, we will do so. I am disappointed that we missed the opportunity this lobbying reform bill provided to bolster Federal corruption prosecutors, and I hope we will soon find another opportunity to act in the interest of all Americans.

Mr. MCCAIN. Mr. President, let me begin by commending the hard work of my colleagues in this effort. The chair and ranking member of the Governmental Affairs Committee, Senators COLLINS and LIEBERMAN, and the chair and ranking member of the Rules Committee, Senators LOTT and DODD, have worked tirelessly and in a bipartisan manner to bring a bill to the floor. I regret, however, that I find it necessary to vote against final passage of this measure because it simply doesn't do enough to address the critical need for comprehensive lobbying reform. We had a golden opportunity to institute real reform and prove to the American people that we are not completely oblivious to their concerns. Unfortunately, Mr. President, we dropped the ball.

While it does contain some good provisions to increase lobbyist disclosure and reporting requirements, the bill lacks imperative enforcement measures. We can pass all of the rules changes we want in this body, but they are useless unless we back it up with a tough enforcement mechanism. I was disappointed that the Collins-Lieberman-McCain amendment to create a Senate Office of Public Integrity was defeated yesterday. That office would have had the ability to investigate complaints of ethical violations by Senators, staff, officers of this Chamber. Headed by a Director appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority and minority leaders, the Office of Public Integrity would investigate complaints of rules violations filed with or initiated by the office.

At a time when the public is questioning our integrity, the Senate needs to more aggressively enforce its own rules. We should do this not just by making more public the work that the Senate Ethics Committee currently undertakes but by addressing the conflict that is inherent in any body that regulates itself. By rejecting the creation of a new office with the capacity to conduct and initiate investigations, and a perspective uncolored by partisan concerns or collegial relationships, we neglected to address this longstanding structural problem.

The proposed Office of Public Integrity would not only have assisted in performing existing investigative functions, but would also have been charged with approving or denying requests for travel by members and staff. Rather than prohibit official travel paid for by any entity other than the Federal Government, as some have proposed, our proposal would have required that all travel to be precleared. The purpose of this preclearance was to ensure that the trips serve a legitimate governmental interest, and are not substantially recreational in nature. The Office of Public Integrity would have been an appropriate entity to conduct these review, but, sadly, the Senate voted to maintain the status quo.

Another critical aspect of reform that is not addressed in this bill is the ability of a Member to travel on a corporate jet and only pay the rate of a first-class plane ticket. Because cloture was invoked on this bill yesterday, Senator SANTORUM and I were prevented from offering an amendment that would have required Senators and their employees who use corporate or charter aircraft to pay the fair market value for that travel.

Senator SANTORUM and I were well aware that our amendment would not be popular with some of our colleagues, but we felt that the time had come for us to fundamentally change the way we do things in this town. Much of the public views our ability to travel on corporate jets, often accompanied by lobbyists, while only reimbursing the first-class rate, as a huge loophole in the current gift rules. And they are right; it is. I have no doubt that the average American would love to fly around the country on a very comfortable corporate-owned aircraft and only be charged the cost of a first-class ticket. It is a pretty good deal we have got going here. We need to face the fact that the time has come to end this Congressional perk.

There is a public perception that these lobbyist-arranged flights unduly influence Members of Congress and serve as a way for lobbyists to curry favor with legislators and their aides. We must change that perception. There was nothing in our amendment that would have prohibited a Member from using corporate aircraft. It simply required that they pay the fair market value of the flight. It was a fair, reasonable approach designed to prove to the American public that we are serious about reform and would do what is necessary to restore the public's trust. But, again, the Senate chose to maintain the status quo by preventing us from offering our amendment.

Finally, this bill does not go far enough to rein in the practice of earmarking Federal funds in the annual appropriations bills. Together with Senators COBURN, ENSIGN, FEINGOLD, KYL, DEMINT, SUNUNU, and GRAHAM, I was prepared to offer an amendment that would amend the Senate rules to allow points of order to be raised against unauthorized appropriations, earmarks, and policy riders in appropriations bills and conference reports in an effort to rein in wasteful porkbarrel spending. If the point of order were successful, the objectionable provisions would be stricken and the related funding would be reduced accordingly. Once again, we were blocked from offering this amendment as well.

In my judgment, if we are really committed to addressing comprehensive lobbying reform in a meaningful and effective way, we need to include earmark reform provisions in this legislative package. The process is clearly broken when each year Congress continues to earmark billions and billions of taxpayer dollars, sometimes with little or almost no knowledge about the specifics of those earmarks by most of the Members of this body. Sadly, the scandal that has come to light recently concerning the earmarking by one former Member of the House is a pox

not just on him, but on each of us and the process that we have allowed to occur on our watch. The American public deserves better and that is what my amendment was about.

In 1994, there were 4,126 earmarks. In 2005, there were 15,877—an increase of nearly 400 percent. But there was a little good news for 2006 solely due to the good sense that occurred unexpectedly when the Labor-HHS appropriations bill was approved with almost no earmarks, an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Yet despite this first reduction in 12 years, it doesn't change the fact that the largest number of earmarks have still occurred in the last 3 years—2004, 2005, and 2006.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased. Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This is wrong and disgraceful and we urgently need to make some changes in this process.

We, as Members, owe it to the American people to conduct ourselves in a way that reinforces, rather than diminishes, the public's faith and confidence in Congress. An informed citizenry is essential to a thriving democracy. And, a democratic government operates best in the disinfecting light of the public eye. This bill could go so much further to balance the right of the public to know with its right to petition government; the ability of lobbyists to advocate their clients' causes with the need for truthful public discourse; and, the ability of Members to legislate with the imperative that our government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence. We can, and we must, do better than this bill.

Mr. FEINGOLD. Mr. President, when Jack Abramoff pled guilty in January, it was clear that the Senate would have to address lobbying and ethics reform this year. For a short time, it seemed like significant reforms had become possible. While this bill contains many positive provisions, it falls too far short of what I hoped could be achieved for me to support it. So I will vote no.

Ethics reform is not something that happens around here every year. Unfortunately, it takes a perfect storm to get Congress to address these difficult issues. We had that perfect storm this year with the Jack Abramoff scandal, which exposed the seamy side of relations between lobbyists and Members of Congress. We had a chance to take decisive action and really change the way things work in Washington. Unfortunately, we have missed that chance.

We had the chance to give the American people what they want and deserve—a strong brew of tough lobbying and ethics reforms. Instead, all we gave them is weak tea.

The lobbying and ethics reform bill before us today includes a number of significant provisions, such as improvements in lobbying disclosure. But the Senate missed a once-in-a-decade opportunity to address the most serious ethical problems plaguing Congress. It left open a major loophole in the lobbyist gift ban, it retreated from earlier promises to get rid of privately funded travel, it allowed Members to continue getting around revolving door restrictions by simply avoiding direct conversations with their former colleagues while accepting millions of dollars to run a lobbying office, and it refused to even vote on a proposal to make Senators pay the charter rate if they want to fly on corporate jets. Perhaps most important, the Senate rejected a thoughtful proposal to establish an independent ethics enforcement office.

The American people want to have confidence that their elected officials are held to the highest ethical standards. My judgment is that this bill doesn't meet that test.

Mr. KERRY. Mr. President, today the Senate failed to live up to its responsibility to keep faith with the American people and change the way business is done in Washington. I oppose the lobbying reform bill because it does not go far enough to effectively change the way business is done in Washington.

It is not enough to reform the earmarking process. It is not enough to ban gifts and meals from lobbyists. It is not enough to rein in pay-to-play schemes like the Republican K Street project. Changing the rules does no good if we have ineffective enforcement and fundamental reform is needed.

It is not reform if business as usual continues and the fox is left guarding the chicken coop.

We need an outside entity, whether a congressional inspector general, as I proposed, or an ethics commission, as Senator OBAMA proposed, or an Office of Public Integrity as Senators COLLINS and LIEBERMAN proposed, to police Congressional ethics violations. It is wrong that the Senate failed to establish an Office of Public Integrity. Some of my colleagues apparently are fine with the status quo. I couldn't disagree more strongly. We need an independent entity to ensure Members act ethically. We need an independent entity to ensure that no one changes the rules as they play the game as the House tried to do just last year. We need an independent entity to ensure that violations are investigated and that offenders are punished. Without such an independent entity, this attempt at ethics reform runs the risk of not being considered real or serious.

The fact is that Congress has not been able to effectively investigate or appropriately punish its Members for ethical violations. Last year, House Republican leaders were forced to rescind their attempts to change their Ethics Committee rules to protect former House majority leader TOM DELAY from further ethics investigations. The House Ethics Committee never sanctioned Randy ''Duke'' Cunningham, and neither the House nor the Senate Ethics Committees has opened an investigation into the Jack Abramoff scandal. We can tinker with disclosure and gift rules all we want, but until we get tough on enforcement, no significant change will happen.

A few weeks ago, former Representative ''Duke'' Cunningham received the longest prison sentence ever imposed on a former Member of Congress. His crime? Collecting $2.4 million in homes, yachts, antique furnishings, and other bribes—including a Rolls-Royce—from defense contractors. This disgraceful conduct—beyond comprehension for me and most of my colleagues—earned him 8 years and 4 months in a Federal prison and orders to pay the Government $1.8 million in penalties and $1.85 million in ill-gotten gains.

What is almost as shocking as Duke Cunningham's bribes is that under today's rules, the American taxpayer is still paying for his congressional pension—a pension worth approximately $40,000 per year. Under today's rules, Duke Cunningham will collect his pension—paid for by the American taxpayers—while he sits in jail for violating the law and ethics as a Congressman. That is simply unacceptable. And it has got to change.

That is why Senator SALAZAR and I introduced the Congressional Pension Accountability Act and attempted to offer as an amendment to the lobbying reform bill. Our amendment would have denied Federal pensions to Members of Congress who are convicted of white-collar crimes such as bribery—Members who perform acts like Randy ''Duke'' Cunningham.

As elected representatives, we must hold ourselves and all those who represent the Federal Government to the highest ethical standards. The principle is a simple one: Public servants who abuse the public trust and are convicted of ethics crimes should not collect taxpayer-financed pensions. Right now, only a conviction for a crime against the United States, such as treason or espionage, will cost a Member of Congress their pension. There is no reason the law should not be changed to ensure that Congress does not reward unethical behavior. But because debate on the lobbying reform bill was unnecessarily limited, I was prevented from offering my amendment to prevent Duke Cunningham and other Members who violate the law from collecting their pensions.

There are other important issues that the lobbying reform bill fails to address. For example, although the bill bans gifts and meals from lobbyists, it does not apply to the organizations that employ the lobbyists. Nor does it

apply to lobbyists paying for parties to ''honor'' or ''recognize'' Members. And although the bill increases the amount of time that Members and senior executive branch officials are prohibited from making lobbying contacts and conducting lobbying activities from 1 to 2 years, it does include organizing and directing a lobbying campaign in the prohibited activities. Thus, a former Member or senior executive branch official cannot make contact directly, but they can direct partners or employees in a lobbying strategy. The bill does not include any restrictions on lobbyists soliciting and organizing fundraisers or serving as treasurers on officeholder committees, nor does it prohibit special interest groups from paying for and organizing congressional travel junkets.

These are serious problems with this lobbying reform legislation. It simply does not go far enough to have a real impact on the way business is done in Washington. And, frankly, it is not surprising given the limited amount of floor debate we had on the bill and the number of important amendments that were never offered or debated because we were rushed to a cloture vote. I am disappointed that we could not take advantage of this unique moment in history and enact serious lobbying reform. I am voting against this package because the American people deserve a strong reform bill and this does not meet that test.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, to clarify where we are, we do have three remaining amendments by Senator ENSIGN, and there are other Senators who are working on those amendments and discussing them with Senators who have some concerns. Hopefully, we can work out all of them or a couple of them. It may be a few more minutes.

When that is done, we will then dispose of those amendments one way or another, and we will be able to go to final passage.

I will be glad to yield the floor at this time so Senator DODD can make some comments, maybe go over some of the items we have in this legislation, and I will join him at some point.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Mississippi. I would like to do that while we are awaiting final resolution of these remaining issues which we can, hopefully, conclude in short order and then go to final passage of this bill.

I begin by again commending my colleagues from Mississippi and from Maine, Senator LOTT and Senator COLLINS, and my colleague from Connecticut, Senator LIEBERMAN, and their staffs and our staffs for the tremendous work they have done on a bill going back some weeks now.

As my colleagues recall, we began consideration of this matter some weeks ago. We were derailed for reasons that were beyond our control. There were matters that arose of national significance and importance, and Members rightly wanted to consider some of those issues in the midst of this debate.

Nonetheless, I believe we put together a good product. It does not include every idea that surfaced during the consideration of these proposals, but I think it is a very solid effort and one in which my colleagues can rightfully claim credit and with some degree of pride for what we have done.

I again commend the Committee on Homeland Security and Governmental Affairs for handling a major part of this effort, and again the Rules Committee for coming out with a bill, a unanimous vote out of our committee, with matters we considered and presented to our colleagues for their full consideration.

This is not a perfect bill. In my 25 years, I have yet to see one of those. But we have a pretty good one, given the constraints of time and invocation of cloture which left behind some very important amendments, amendments which I would have strongly supported had they been offered.

Nonetheless, this is a strong bill. It bans gifts and meals from lobbyists altogether. That is a major step in reform.

It requires additional and more frequent disclosure of lobbying activities.

It places tight new limitations, including Ethics Committee preapproval, on congressional travel funded by outside sources.

It increases the transparency of the earmark process. It toughens the conflict of interest rules for Members. It tightens the revolving door provisions of Senate rules and bans floor privileges for former Members who become lobbyists.

Further, it bans inappropriate attempts to influence hiring decisions by lobbying firms, such as the K Street Project.

It broadens disclosure requirements for massive grassroots lobbying efforts.

It requires that conference reports be available on the Internet before they are considered by the full Senate. And it makes other important changes to strengthen and tighten current lobbying laws.

This is no small achievement. Just those provisions alone are included in this bill which we will be voting on in very short order.

This bill is the result of the work, as I mentioned earlier, of two separate committees, the Homeland Security and Governmental Affairs Committee and the Rules Committee of this body. Both of these committees held hearings and markup sessions on those issues within their jurisdiction and reported measures on a bipartisan basis to improve the transparency of our legislative work.

I know it doesn't happen with great frequency any longer, but it is how this institution is supposed to operate: have hearings, have markups, try to build bipartisan consensus whenever we can. Unfortunately, that bipartisan process is becoming the exception, not the rule, I say with a great degree of disappointment. It used to be that this was standard operating procedure. I am saddened to say now it has become the exception, as I said, unfortunately, and not the rule.

These two bills were joined together in one piece of legislation on the Senate floor. Consideration of this matter has been truly a bipartisan effort. I have been honored to serve as the floor manager, along with the majority floor manager who is here, the distinguished Senator from Mississippi, Mr. LOTT, and I commend my colleague for his diligence in bringing this legislation to the floor. He advised me very early in the session that he intended to craft a lobbying reform bill, to have a full and open markup in the Rules Committee, and offer all members of that committee the opportunity to offer amendments. That is what he did, and that is why I think we ended up with as strong a bill as we did. Because we had the opportunity to fully debate and amend the chairman's mark in the committee, we were able to produce an original bipartisan bill that was reported to the Senate unanimously. That beginning boded well for this legislation.

I also want to commend, of course, our comanagers of the bill—I have mentioned already Senator COLLINS of Maine—and my colleague from Connecticut, Senator LIEBERMAN, for their very similar bipartisan approaches to this legislation. As I noted earlier, it is unusual to have a bill that is reported from two different committees merge together on a single measure on the Senate floor, but even more unusual, I suspect, is that the bill would be managed by Senate colleagues from the same State, in this case my colleague from Connecticut, Senator LIEBERMAN, and I. This may be the first time that has ever happened, I might point out, in this Chamber.

I also want to commend our leaders, Senator FRIST and Senator REID, for their efforts to accommodate this bill in the very busy Senate schedule and for allowing this measure to remain the pending business, even in the face of other priorities. In particular, I commend Senator REID for his leadership on lobbying reform and for his efforts in introducing the very first comprehensive lobbying reform measure in this Congress. In large part we are here today because of Senator REID's early and persistent efforts to respond to this crisis of confidence of the American people following the Jack Abramoff scandal in the House of Representatives, a matter involving the bribery conviction of a Member of that body and the legal proceedings against certain administration officials involving allegations of lobbying-related improprieties.

That is why we are here debating this measure, because of that scandal of the

illegal activities of a lobbyist, Jack Abramoff, that rocked the House of Representatives. The serious allegations have led to guilty pleas by former Members and their staffs, and the activities of Abramoff and his cronies, wherein they violated current lobbying gift and ethics rules, creating a climate of disillusionment, unfortunately, and distrust of the United States Congress. I suspect we have not seen the end of the indictments, nor the full breadth of this scandal, unfortunately.

But to the credit of my colleagues, Democrats and Republicans, the United States Senate has acted not in haste but in a measured response to this scandal. Our goal is to ensure the confidence of the American people in their system of representative government by ensuring that special interests cannot operate under a cloak of darkness.

This bill, with its extended disclosure requirements of lobbying activities and its restrictions on the type of influence lobbyists can exert over Members of Congress through lobbying gifts, I think, can go a long way toward restoring the confidence of ordinary Americans in their Government. We must now get this bill married to the House bill and get it enacted into law, and that will be a task, given the shortened calendar of this election year. But we cannot neglect this final chapter in our effort to bring real reform to Washington.

Lobbying reforms are important and certainly will change how business is done in our Nation's Capital. But these changes alone will not address what I have consistently stated is the core problem, the one that still hangs out there, and that is the need for true, meaningful campaign finance reform that breaks the link between the legislative favor seekers and the free flow of special interest private money. That would be a much more significant reform, in my view, than all of the reforms that we have accomplished with this legislation, as important as they are.

I am grateful to my colleagues for heeding the concerns that we not mix lobbying reform and campaign finance reform in one measure, and I remain committed to seeing that this body addresses real campaign finance reform. But I am equally committed to seeing that we do not do so on this important piece of legislation.

We are all aware that the House leadership has included major campaign finance measures in its lobbying reform bill. I am very grateful to our colleagues in seeing to it that our efforts down the road will exclude those kinds of provisions in the final product. In the meantime, I welcome the opportunity to have as complete a debate on campaign finance reform issues as we have had on lobbying reform. Chairman LOTT, my good friend, has indicated his willingness to hold a hearing on this issue in the Rules Committee. I would like to go further than that and hear him commit to a markup on the bill. He has not gone that far yet, but he has committed to a hearing. I will take victories as I can get them. If I can get a hearing, I will take the hearing, and then I will be lobbying him, without buying him a lunch, to see if we can't get a markup of a good campaign finance reform bill.

But for now, we should commit ourselves to moving forward to conference with the House. I urge the House to move forward as well on this important lobbying reform bill. If the introduced version is any indication, as it appears, the House-passed bill will be substantially weaker than the job we have completed here—in a number of key respects. We must hold fast to our stronger provisions whenever possible as we move forward. The American people are looking forward to us putting our house in order and ensuring that lobbying scandals of the House are not repeated anymore in this Chamber.

So, again, I commend my colleagues for their tremendous work on this bill. It is a good bill. It is one we can be proud of, and I look forward to its adoption and moving to conference with the House of Representatives.

The bill before us has been improved by the amendments offered and debated here in the Senate. There is no reason to believe that we cannot continue to build on these provisions in conference with the House. Although the Majority in the House only recently introduced their lobbying reform measure, I encourage the Leadership to move the measure expeditiously so that we can complete a conference on this measure before Congress gets bogged down in the fall campaigns.

I commend my colleagues, Senator LOTT and Senator COLLINS, and my colleague from Connecticut, Senator LIEBERMAN, for their leadership in bringing this bill to this point. I also want to thank the capable staff of the Senate Rules Committee, Majority counsel Alexander Polinsky and staff director Susan Wells, for their many courtesies and assistance both during mark-up of this measure in Committee and during the floor debate.

I also want to thank the staff of the Homeland Security and Governmental Affairs Committee for their efforts to successfully merge these two bills and jointly support the managers. In particular, I want to thank the Majority staff director and chief counsel, Michael Bopp, and Senator LIEBERMAN's Democratic staff, in particular his staff director and counsel, Joyce Rechtschaffen, chief counsel Laurie Rubenstein, and counsel Troy Cribb.

I also want to thank my very capable staff, including my committee staff director and chief counsel, Kennie Gill; our elections counsel, Veronica Gillespie, and Democratic staff members Candace Chin, Joe Hepp, Colin McGinnis, and Carole Blessington.

And of course, no legislative effort of this magnitude could be accomplished without the assistance of our floor staff. Marty Paone and David Schiappa are invaluable in their efforts to structure our unanimous consent requests to accommodate our colleagues and the Senate schedule. Lula Davis and our cloakroom staff as well as our leadership staff are indispensable to us in our roles as floor managers.

I say to all of these staff, and the many hundreds of others who work night and day to bring good legislative ideas to fruition and work to manage the Senate floor and its proceedings, job well done. This is legislation that will truly make a difference in how the American people view their government and will hopefully help to reconnect us to the people we serve.

I appreciate the cooperation of our colleagues and look forward to working with them as we move this bill to conference with the House.

I yield the floor.

Mr. LOTT. Mr. President, I commend and respond in the same sense and vein of the distinguished Senator from Connecticut. Before I do that, and talk further about our relationship and how the Rules Committee package came together, I would like to call on my colleague, the distinguished Senator from Maine, to go over the specifics of what is included in the bill out of her committee work, and with Senator LIEBERMAN. I have never worked with a floor manager who has been more enjoyable than working with the Senator from Maine, her attitude and her help, her tenacity, and also, of course, Senator DODD. But I thought before I respond further to Senator DODD, I would like for us to understand the details of what was in the legislation that came out of the Homeland Security and Governmental Affairs Committee.

Ms. COLLINS. Mr. President, first let me begin by thanking my colleague from Mississippi, the chairman of the Rules Committee, for his extraordinary leadership in bringing this bill forward. I also want to commend the ranking member of the committee, Senator DODD. This has been an unusual and extraordinary experience where we have two committees that produced bipartisan bills with overwhelming support—only one negative vote between the two committees—and have brought legislation to the Senate floor where it was married together and presented to the full Senate. I am very proud that there has not been a single party-line vote that has occurred as we considered this bill, both in committee—in my committee, anyway—and also here on the Senate floor. I do think this is a model for how the Senate should act, that we can act together in a bipartisan way and look at how much we can get done when we do so.

So I salute Senator LOTT and Senator DODD for their extraordinary leadership. I also thank the ranking Democrat on the Homeland Security Committee, Senator LIEBERMAN, for all that he has done to advance this very important cause. Senators MCCAIN and SANTORUM also were key figures. Senator MCCAIN introduced one of the earliest bills. Senator SANTORUM brought

together a bipartisan group which agreed on certain principles that became the foundation of the legislation before us. The Senate majority leader, Senator FRIST, and the minority leader, Senator REID, worked together to ensure that we would complete action on this bill. I must say, when the bill was pulled before, I was worried about whether we would return to finish the job. We have done just that, and I am proud of that activity.

This legislation is a strong bill. It may not be a perfect bill—we probably would all have different definitions of what a perfect bill would be—but it is a strong bill that I believe will help to enhance public confidence in the integrity of Government decisions. Let me describe some of the major provisions of the bill as approved and, in particular, the emphasis on the Homeland Security and Governmental Affairs Committee's provisions.

First of all, we greatly strengthened the disclosure required by lobbyists. The legislation requires quarterly filings rather than the present semiannual filings by lobbyists, and it ensures that the information is made available to the public on the Internet. We will have stronger, more accessible disclosure reports. This is important in terms of ensuring that there is adequate sunshine on these activities. Our goal, which would be accomplished by this bill, is to have lobbying disclosure reports on a searchable, easily accessible public database, so that the public can evaluate the spending that is occurring, and so that they know who is lobbying whom. I think disclosure is going to make a big difference, and we put some teeth in the disclosure process by doubling the maximum penalty for noncompliance to $100,000. I think that is going to provide ample incentive for prompt and full disclosure.

Another provision of the bill will provide for auditing and oversight of the lobbyists' disclosure reports by the Comptroller General, the head of the Government Accountability Office. The GAO will do some random audits, give us advice, and help us understand weaknesses in the current system.

Another important provision that really hasn't been discussed much on the Senate floor is that the legislation provides for mandatory ethics training for Members of Congress and congressional staff. I think this is important as well. I think a lot of times people aren't fully informed of what the rules are. We are going to require mandatory training for both Members and their staffs.

Another provision of the legislation addresses the so-called revolving door issue where Members of Congress and high-ranking staff leave Government for jobs focused on the institution in which they once served. We extend the cooling off period during which a former Member of Congress or a former senior executive branch official may not lobby from 1 year to 2 years. We also make an important change in the so-called revolving door provisions as they apply to senior staff. Right now the limitation is that a staff member cannot lobby the specific office for which he or she worked for a 1-year period. We retain that 1-year period—the cooling off period—but we extend it to the entire Senate or the entire body in which the staffer worked. So I think that is a significant strengthening of the revolving door provisions.

Our legislation also, for the first time, prohibits lobbyists from providing gifts and travel that Members and staff are prohibited from accepting under the ethics rules. The burden has always been on Members. We have a parallel requirement placed now, for the first time, on lobbyists, and I think that is going to make a difference as well. I am pleased that we adopted an amendment on the Senate floor to draw a bright line to make it clear that lobbyists cannot provide gifts to Members, including meals.

Another provision of our bill, this provision authored by Senator COLEMAN, would create a commission to look over our ethics laws and rules and to make recommendations to Congress by July 1 of this year on any further changes that would be appropriate.

Again, I think this is an excellent bill. It is an important step forward toward the goal of restoring public confidence in the decisions that we make.

Some people asked: Why does this matter? Why should we be even spending time strengthening our lobbying disclosure laws, prohibiting practices that might undermine the public's confidence in Government?

The reason this is so worthwhile and so important is that we cannot tackle the big issues facing our country if the public doesn't trust us to act in the public interests. Too often, the public is convinced that the big decisions are tainted by undue influence. Lobbying conjures up images of all-expense-paid vacations masquerading as factfinding trips, or special access that the average citizen does not have, or decisions that are tainted by improper influence. That means the public doesn't have confidence that we will do the right thing, that we will act in the public interest rather than to meet the wishes of some special interest. That is why this matters. The experts tell us over and over again that there are so many important issues—entitlement reform, for example—that we should be tackling. But if the public doesn't trust us, if the bonds of trust between public officials and their constituents are frayed, then it is very difficult for us to make the difficult choices, for us to make the hard decisions. That is why this matters. That is why this legislation is so important. In many ways, it is the foundation that allows us to proceed to tackle the challenges facing our great Nation.

I am very pleased and proud today that we have come together. I believe this legislation will be overwhelmingly adopted by the full Senate, and that is as it should be. I am also very pleased to see the ranking Democrat on the Homeland Security Committee has joined us on the floor. As I said earlier when he was not on the floor, he has been such a valuable partner. His commitment to good government and to repairing the public trust in government is second to none. It has been a pleasure to work with him as well as with Senator LOTT and Senator DODD as we brought forward this bipartisan endeavor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the bill. Let me first thank my chairman, Senator COLLINS, for her extraordinary leadership in a good cause and in a characteristically, for her, not partisan way. I thank her for her kind words. I appreciate that she said them when I wasn't in the room. Somebody told me after I had been in Washington for a while, if somebody compliments you when you are not in the room, then you know they really mean it. I appreciate that from Senator COLLINS.

It has been a pleasure to work with Senator LOTT and Senator DODD, my dear friend, my senior Senator from Connecticut. This has been a strong foursome. Probably there should be an alliterative ''F,'' like the faithful or ferocious foursome. But this has been an important precedent and one that has served the Senate well.

We had two committees, each with jurisdiction over part of lobbying reform. The leadership worked together to meld the products of both committees so we could consider this matter. It is actually quite a valuable precedent for other large subject matter interests Members of the Senate have which often get divided into pieces based on committee jurisdiction. I am very grateful to my three colleagues, and with some real sense of pride, I rise to express strong support for the Lobbying Transparency and Accountability Act on which we will vote shortly.

This legislation contains very significant reforms in a number of critical areas. It ends all gifts to Members from lobbyists. It requires significantly increased disclosure from those who are paid to influence Members of Congress. For the first time ever, it would shine sunlight on the activities of those who are paid to generate advocacy—phone calls, letters to congressional offices, so-called grassroots lobbying. It significantly slows the so-called revolving door by doubling the ban on lobbying by Members once they leave Congress and significantly expanding the rules covering who staff can and cannot lobby.

This is not popular stuff inside here, but it is the right thing to do, and we are about to do it. In short, this legislation upends the status quo with regard to oversight of lobbying and the relationship between lobbyists and Members of Congress. This upending of

the status quo is justified by the recent scandals that have afflicted us here in Washington, most prominently the crimes of lobbyist Jack Abramoff.

Trust between the people and their elected leaders is essential to our democracy. The behavior of Mr. Abramoff and his associates and some Members of Congress has undercut that trust and sent the message to too many people across our great country that in Washington, results go too often to the highest bidder, not to the greatest public good. That is not the truth. But this legislation upends that perception, I believe, and the status quo.

There are many people to thank. I begin as I have with Senator COLLINS for her usual outstanding leadership. After a hearing in late January, she was ready to mark up legislation a month later, despite a large workload our committee had in conducting the ongoing Katrina investigation. The legislation we passed out of our committee contained significant reforms that will not only change the way lobbyists and Members of Congress interact but again, I believe, provide the American people with additional information that they have not had before, and that the media has not had access to before, about where billions of dollars for lobbying are being spent and for what purpose.

The measure approved by our Homeland Security and Governmental Affairs Committee requires lobbyists to report more details, significantly more details, and to report more frequently about their activities, including lobbyists' campaign contributions to Members of Congress, lobbyists' contributions to political action committees, and lobbyists' fundraising events hosted or sponsored by lobbyists or for their benefit for Members of Congress. They would also be required to disclose travel they arrange for Members of Congress or executive branch officials. All lobbyists' disclosures would have to be made quarterly rather than semiannually, and they would have to be made online so that anyone who wished to monitor lobbyists' activities would be able to do so online and do so, obviously, on a public, searchable database.

For the first time ever, a relatively new but significant aspect of lobbying Congress would be subject to disclosure of the money they spend. These are the so-called grassroots lobbying campaigns, familiarly known around here as Astroturf campaigns because they are manufactured. They are not just grass that naturally grows or letters or e-mails and calls that naturally come to Members of Congress on an issue, but they are organized. That is OK. No matter how it happens, when we hear from members of the public, it is important for us. But a lot of money is spent on these campaigns. It is a significant part of lobbying in Washington today. Those lobbyists ought to disclose how much money they earn or spend.

I thank my friend and colleague from Michigan, Senator CARL LEVIN, for working with me on this effort. He has fought for this for a long time—more than a decade. I believe this is a significant victory, and it directly responds to the activities of Mr. Abramoff and his associate, Michael Scanlon, who sought and received multimillion-dollar contributions from Native-American tribes to a grassroots lobbying effort. In fact, Mr. Abramoff received enormous kickbacks from that grassroots organization.

The major impact on grassroots lobbying firms is simply that they will, for the first time, have to disclose. There is nothing in here that inhibits grassroots lobbying. There is nothing in here that inhibits in any way the freedom of the American people to petition their Government, the freedom of companies to hire out—make money—to organize the public to petition Members of the Government. It is simply a requirement that they reveal how much money they have charged and how much money they have spent.

That requirement to disclose clearly would have stopped this scheme, this scam which Mr. Abramoff and Mr. Scanlon were carrying out because the disclosure of the grassroots lobbying firm would have shown enormous amounts of money coming in, much more than was being spent. The result, obviously, the answer to that puzzle, was that too much was going to Mr. Abramoff in kickbacks.

The Homeland Security and Governmental Affairs Committee, as I mentioned, slows the revolving door between Congress and K Street by doubling, to 2 years, the amount of time a former Member of Congress must wait before lobbying his or her former colleagues. This is a significant change; not one that I would say is inherently popular here, but it is the right thing to do, and this legislation does it.

The leadership of the Rules Committee, as I said earlier, Chairman LOTT and Senator DODD, ranking member, has done a great job in producing a strong bill from their committee which, combined with ours, is now on the Senate floor. Their bill prohibited most gifts from lobbyists to Members of Congress and required preapproval and greater disclosure of all congressional travel. It also addressed an issue of deep significance to an increasing number of citizens by requiring that earmarks attached to legislation be listed, explained, and the Member behind the earmark be identified. Those are significant changes.

These reforms were further strengthened on the Senate floor in this debate with an amendment by Senator DODD to make sure that all gifts from lobbyists are banned. All gifts from lobbyists to Members of the Senate are banned—including meals. This is a real victory for those who believe the relationship between Members of Congress and lobbyists has grown too cozy.

The bill was additionally strengthened with an amendment from Senators GRASSLEY and WYDEN that would abolish the practice of secret holds on legislation.

I also thank Senators MCCAIN, OBAMA, and FEINGOLD all stalwarts of reform and indispensable allies in this endeavor.

Senator MCCAIN led the hearings of the Indian Affairs Committee which—I was going to say revealed—really blew open the Abramoff scandal and, when those were finished, drafted legislation to reform our lobbying laws, building on what he had learned in the Abramoff investigation. I was proud to join him as original cosponsor of this legislation.

Senator FEINGOLD actually submitted a lobbying reform package a year ago, even before we understood the Abramoff scandal.

Senate Minority Leader REID provided essential impetus and I would say muscle to the reform cause when he introduced his own reform package supported by almost the entire Democratic Senate caucus earlier this year.

Of course, Senator COLLINS and I are disappointed that the Senate yesterday rejected our amendment, introduced with Senators MCCAIN and OBAMA, that would have established an independent Office of Public Integrity. I believe this office would have given further assurances to the American people that we in Congress are not only dead serious about reform, we are dead serious about the enforcement of that reform. I regret that a group of us were unable to offer an amendment to increase the reimbursement costs of airplane travel provided to Members by private entities. But even without those two additional reforms, this legislation we are about to adopt sends a clear and powerful message that in Washington we ourselves, in pursuit of greater legitimacy and credibility and trust of the American people, are taking significant steps to make sure that here in this Congress, results go to the greatest public good and not ever to the highest bidder.

I have said many times throughout this debate that we have a once-in-a-generation opportunity now to reach bipartisan agreement on a broad set of reforms that will reduce cynicism, prevent abuse, and restore trust of the American people in their Government here in Washington. I believe this bill does exactly that.

On a final note, I wish to thank several staff members of all four Senators for their long hours and exceptional hard work on this legislation. On my staff, I particularly thank Troy Cribb, who led our efforts on this bill, as well as my staff director Joyce Rechtschaffen and chief counsel Laurie Rubenstein. They labored to make this bill as good as it could possibly be.

I also thank Michael Bopp, Jennifer Hemmingway, Ann Fisher, and Kurt Schmautz on Senator COLLINS' staff and Kennie Gill and Veronica Gillespie on Senator DODD's staff, and Senator LOTT's able staff as well. I thank them all, I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I don't want to repeat everything that has been said here because we do have the need to move forward. We have some amendments we need to dispose of, but let me take a minute to comment as to Senator DODD and Senator LIEBERMAN and Senator COLLINS and their leadership and the way we work together.

I wish to do that by reminding you a little bit of history. When we started off this year, there were problems that were reflecting on the Congress and the way we do business—the Abramoff matter, as Senator LIEBERMAN has described. There was a feeling that we needed to address some of those concerns. We needed to take a look at our lobbying laws and the rules of the institution. There was a concern about, was this going to be a panic reaction? Was this going to be everybody taking their partisan positions and not ever actually getting anything done, just looking for political advantage?

That could have been what happened, but that is not what happened. It started off by strong leadership on both sides of the aisle. Senator SANTORUM was designated by Majority Leader FRIST to pull together a task force to begin working on issues that needed to be addressed, and solutions. Senator REID stepped right out and started developing a package on the Democratic side.

By the way, I think one of the ways we came to the point where we are is that there were some good things in the Reid proposal. When I brought up the chairman's mark in the Rules Committee, several of the pieces of that legislation came from the Reid ideas. Then it continued to move forward with important areas being addressed. I wound up in a meeting that was somewhat of an amazement to me because it was a bipartisan meeting that included Senator COLLINS, Senator MCCAIN, Senator SANTORUM, Senator DODD, Senator OBAMA, Senator ISAKSON—a large group from both sides of all different political persuasions working together to see if we couldn't come up with bipartisan legislation.

I guess it was about that time when I started talking to Senator DODD, saying: Can we do this together and make it a truly cooperative thing? He wanted to do that, but both of us had to make sure leaders were OK with that, and they were. They told us: Yes. Do your job and operate the way a committee is supposed to act—hold hearings, have a markup, report a bill, regular order. That is what we did.

I am pleased the way this has come about.

I could go around and commend everybody who has been involved but that has already been done very legitimately.

But this is a case study of an issue that could have blown up. It was very tough. It could have produced nothing but acrimony. That is not what happened, no.

It is not a perfect bill. But we have addressed some tough issues. When you start talking about outright ban of gifts, outright ban of meals from lobbyists, taking action with regard to the flights and transparency and disclosure, saying that former Senators cannot come onto the floor of the Senate when we are debating legislation where they are registered lobbyists, and that also applies to former officers of the institution, except for ceremonial events. We also have very tight postemployment restrictions, and we address the question of earmarks.

I, for one, think that earmarks—and I don't particularly like that description, but where you have a Senator or a Congressman exercising their right to have language included in a tax bill or in a highway bill or in an appropriations bill for the benefit of some entity that they are familiar with or something in their State, I think we should have that right. I think it is our constitutional right, as a matter of fact, and I will fight for that. I will fight for it even if my colleague from Mississippi were not the chairman of the Appropriations Committee. But he worked with us on how we could deal with this issue by making sure that it wasn't just about appropriations. It was about tax bills coming out of the Finance Committee, and authorization bills, too.

I must say, while I think the language in this area still is not totally artfully crafted, we made some real progress there. This was a problem that I believe people were concerned about where there was an earmark in a conference that had not been considered by either body and there was no way to get at it—at a particular item—without a point of order, without taking down the whole conference.

That doesn't make sense. That is not the way the Byrd point of order works. So we include that here.

I think that is where we need to go. We will continue to work with Senators on both sides of the aisle, from all persuasions, to make sure that we have thought that through carefully and produced the right result. But we didn't duck the issue. We stepped up and addressed it by bringing people in and talking about the best way to deal with the earmarks issue.

But that leads me to the point that there are some amendments pending now and the only three left that do get into this particular area.

In the effort to move forward and expedite these issues and come to conclusion, I think now would be the time to move to an amendment that is pending, which I guess would be 2981. I believe Senator ENSIGN has an amendment.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Nevada.

AMENDMENT NO. 2981 WITHDRAWN

Mr. ENSIGN. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. LOTT. Mr. President, I raise a point of order against the amendment.

Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. A point of order may be raised.

Mr. LOTT. Mr. President, I raise a point of order—

Mr. ENSIGN. Mr. President, don't I have a right to be heard before the point of order is raised? I was recognized.

The PRESIDING OFFICER. The Senator from Nevada may proceed.

Mr. ENSIGN. Thank you, Mr. President.

Mr. President, Senator MCCAIN and I understand that our amendment is going to be ruled nongermane. Previously, it was going to be ruled germane. Since then some items were pointed out that has caused the amendment to be ruled as nongermane. Despite that fact, I would hope that the managers of the bill will work in conference to clarify the language of this bill. I know the chairman of the Rules Committee has said that he will review this language. I believe he will. Our amendment seeks to clarify that if things are put into a conference report that were not in either the House bill or the Senate bill, a Senator would have the chance to take those items out without taking down the entire conference report. One section of this bill creates a new point of order against items that are slipped into conference reports. The provisions in the bill seek to address what has become a very significant problem around here. A member slips something in, without debate. That certainly is not an open process. The purpose of this lobbying reform bill is to make sure there is more transparency and our amendment is consistent with that.

The way the bill is drafted, there is a problem. The bill uses the term matter without providing a definition or examples of anything that would be considered a matter.

According to our discussions with the Parliamentarian, that definition would not allow a point of order to be raised because there could be no way for the Parliamentarian to interpret the new rule. This point of order would basically be null-and-void.

Our amendment was attempting to clarify the bill by providing a definition. That way we will ensure that we have openness in the process of conference reports. That certainly is the purpose of our bill and of our amendment.

Without losing my right to the floor, I ask the chairman if he would submit to a question through the Chair. I ask the chairman of the Rules Committee if he would commit to working on this definition in conference so that it will meet with the criteria stated by the Parliamentarian to give effect to the rule. That way the provisions of this bill will meet with the intent of what

the Chairman said in his previous statement.

Mr. LOTT. Mr. President, for purposes of debate only, I said in my comments before the Senator offered his amendment that I realize it is not perfect language. It has been difficult to achieve what we would like to achieve. He worked on it in the Rules Committee. Senator COCHRAN made some very important points, and we actually made some changes as we went forward. But I think we still have some more work to do to accomplish what we are trying to accomplish.

I will commit to work with Senator ENSIGN to try to find language that does what we are trying to do and which has the support of all involved in the discussions this afternoon. I am not sure what the Senator is trying to do is what we want to do. But I also realize that the language, the wording we have in there, the critical word is pretty nebulous. And we will have to work on that.

Mr. ENSIGN. Mr. President, very simply, I will let people know what the intent is. I have worked with Senator MCCAIN. I applaud his efforts. He has been doing this a lot longer than I have.

All we are trying to do is say if something was not in the Senate bill, not in the House bill, and it was put in, in the conference, a point of order could be raised against that item without bringing an entire bill down.

Right now nobody wants to raise a point of order against a bill because they don't want to bring the whole bill down. Senators know we have to fund the Government, so nobody wants to bring a point of order against a bill that does that. Nobody wants to vote on a point of order that brings down the whole bill either. But if something was put in which was not in the House bill and not in the Senate bill, we want to be able to surgically strike that provision to make sure that we have a cleaner process in government. This is not new ground as the Senate already has this rule with respect to Budget reconciliation bills.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. ENSIGN. I will yield for a question without losing my right to the floor.

Mr. MCCAIN. I ask my colleague, isn't it true that the reason this amendment is being proposed is because the Parliamentarian looked at the present language and informed the Senator and myself that it is not clear enough language that we could actually achieve the purpose of the bill that the Senator from Mississippi and the Senator from Connecticut have proposed—in other words, we are in keeping with the intent of the language in the bill, and we are trying to clarify it because the Parliamentarian said that it is not clear. All we are asking, I think, is the managers of the bill to fix it so there is no doubt that we can carry out the intent of the legislation which is before this body. That is all we are talking about.

It is also true, if it is not clarified, I will tell my dear friends, you will see this amendment again. You will see it again and again. This goes to the heart of what we are trying to stop. We are trying to stop ANWR from being put into a bill that has nothing to do with it. We are trying to stop liability protection for a flu vaccine added at midnight which we have never seen before. It is an outrageous abuse of the rights of the Members of this Senate who are not members of the Appropriations Committee; is that correct?

Mr. ENSIGN. Mr. President, those and many other things have been put in. Sometimes good things are put in. But that is not the way the legislative process is supposed to work. We are supposed to have an open process. Senators should be able to see what is in a bill. We should provide transparency so that the public can scrutinize what is going on. The current process is broken when we are forced to enact provisions that were not in either one of the bills.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. ENSIGN. Mr. President, I will yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. DODD. The Parliamentarian may have suggested something other than, but for the purpose of the legislative intent—and sometimes debate can be enlightening—legislative intent, as far as this Senator is concerned, is exactly as the Senator from Nevada described and the Senator from Arizona described, if there is a matter which is neither in the House bill nor the Senate bill, and if it ends up in conference, that matter is subject to a point of order—and for the very reasons which my colleague described.

I do not know how that is confusing language. If it is, I am certainly committed to trying to straighten it out. I believe that is the appropriate way to go.

Mr. MCCAIN. Mr. President, if the Senator will yield for a question, why would the Senators raise a point of order when this is simply a clarification of the intent of the legislation, according to the Parliamentarian who has told us—I am asking a question.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. ENSIGN. I yield for a question.

Mr. MCCAIN. Does the Senator from Nevada see my point? There is no reason to raise a point of order if all we are doing is clarifying. We are wasting the time.

Mr. ENSIGN. I agree with the Senator from Arizona. I appreciate the manager of the bill when he said he would work with us. I wanted it on the record that the managers have committed to working with us to ensure that the intent of the bill is clear. Which is exactly what our amendment seeks to do. The bill managers have put it on the record that it is their intent. We hope in this process, as this bill moves forward, that the language that is ultimately adopted will include some kind of a definition, as we have tried to do, so that the intent of the Senate is clear. It needs to be done. We need to clean up the appropriations process we have going on in the Senate.

I don't see any reason to raise a point of order. I think it would be easier to ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if the Senator wishes to proceed with his next amendment.

Mr. ENSIGN. If the Senator could give me 60 seconds.

Mr. LOTT. I thank the Senator for his approach on this.

Let me make a couple of points. Again, in a way, there is not as big a problem here as indicated. For instance, I have been assured the example that was used about ANWR, this, in fact, would apply to that and a point of order would be in order against the ANWR amendment being added in conference that had not been in the other body. We will work through this.

The second point is and one of the reasons why I was prepared to make a point of order, Senator DODD and I, postcloture, have been very meticulous; even when there were amendments he or I or both of us supported, if they were not germane, we have not included them in the managers' package. We have held the line because once you start allowing exceptions, there is no end to it. We were trying to get through with as strong a package as possible.

With that, I yield the floor.

AMENDMENT NO. 2980

Mr. ENSIGN. I call up amendment No. 2980.

The PRESIDING OFFICER. The amendment is pending.

Mr. ENSIGN. Mr. President, let me discuss this amendment very briefly. I want to be cooperative with the managers of the bill. I know they want to wrap up this legislation.

This amendment is germane. We will have a recorded vote on this particular amendment, unless the chairman of the Committee on Appropriations agrees to a voice vote that we would win.

Section 103 of this bill creates a new Senate rule. Each Senator knows that we create very few new Senate rules because the rules we create are hard to change once created. The rules we make today will govern the Senate's conduct for years to come. It is important we get language right the first time so we do not have any unintended consequences.

Within the proposed rule in this bill is a definition of the term ''earmark.'' Many people in my home State of Nevada have heard the phrase earmark, as people across the country have. As taxpayers, Nevadans understand some earmarks can be costly, some can be beneficial. Earmarks are often the result of Senators using their influence

to require Federal agencies to spend significant dollars in their States. In some cases, earmarks are given to State or local governments or charitable or philanthropic organizations. In many cases, these earmarks are justifiable. In many cases, these earmarks have a national impact and can be justified because they meet a national purpose.

Each Senator has seen the abuse of the earmark process. That is why we have offered this amendment. To clear up abuses. Our amendment provides a clear definition of what an earmark is. Our definition clarifies that earmarks are not limited solely to non-Federal entities. The definition also includes Federal entities. Spending for federal, as well as non-Federal, entities in the earmarking process can be abused.

The Senator from Mississippi argued earlier it is a Senator's right to offer things that are good for their State. Senators have ideas about how money should be spent. I actually have no problem with that philosophy. I agree to a great degree with that philosophy. The problem is that such a process has been abused in too many cases. For instance, the military provides a procurement list to the Armed Services Committee that includes lists of things the military says they need. In order to benefit their state, Senators will contradict the decisions of the military and override the military's request. They ignore what is in the best interest of the military in order to benefit their State. Military is a Federal project but this bill does not provide accountability. This bill would continue to allow Senators to put their political interests before the needs of the military.

That is why our amendment expands the definition of earmark to both Federal and not just non-Federal entities. That is why we should support this amendment.

Mr. LOTT. Will the Senator yield?

Mr. ENSIGN. I yield.

Mr. LOTT. The Senator started moving toward giving an example. So that I will fully understand exactly what the Senator is trying to get at here, can he give me a couple of examples? He has referred to military, for instance. I don't want to use any particular weapon system because I don't want to make anyone mad, but take generic helicopter. If the Pentagon or the President's budget only included 100 helicopters and a Senator of the Committee on Armed Services, in conference, said no, we are going to make it 200, would that be an example of where the Senator is trying to get this language to apply?

Mr. ENSIGN. I would say to the Senator from Mississippi, if one Senator were to raise a point of order against the item you have described, the process laid out in this bill would be to have the entire Senate decide the matter. If the rest of the Senate believes that the additional helicopters are justifiable, then the——

Mr. LOTT. That is the type of example.

Mr. ENSIGN. I will give the Senate a more specific example. I will not use the exact example I had mentioned to the Senator from Mississippi previously because I don't think it is appropriate to discuss specifics like this on the Senate floor. The military tells Congress that they need certain items for the troops. They want something produced. Perhaps similar products are produced in different States so there are competing products. The military has said, We like this item made by one company, it is far superior. What is happening today is that some members, perhaps one on the Military Subcommittee on Appropriations, who represent a state with a similar product will use their influence to direct spending to products made in their own State. Even though the Pentagon says we like product A, Congress tells them they must buy product B. When the bill comes back from conference, spending gets shifted. Spending is earmarked to go to one product instead of for a product that the military said would be best for our fighting men and women.

That is exactly some of the things we are trying to avoid.

Mr. LOTT. If the Senator would yield for a further question, the language we have would allow for that kind of designation to continue?

Mr. ENSIGN. It would allow for the designation to continue.

I would say to the Senator from Mississippi, this amendment does not affect the point of order in the bill. I apologize if I was unclear on that. This amendment affects the requirement that Senators be given a report that identifies which members have requested which earmarks. It requires that all earmarks be included in that report. That is all this amendment is doing. We want Members, if they are going to request earmarks and redirect spending, to be identified. If they want to direct spending to go to their State, they should be willing to be identified. This is a simple sunshine provision. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, for a second I will discuss again what the amendment is. It requires that all earmarks included in a bill or conference report should be clearly listed—the sponsor identified, explanation, et cetera.

I fully support the intent of that requirement. However, the underlying definition of the earmark is only ''non-Federal'' at this time.

The point the Senator from Nevada is trying to make in the amendment, there are plenty of Federal pork barrel projects, if I may be so blunt. Let me give an example. The Army Corps of Engineers is clearly a Federal entity. In 2006 we spent $600,000 in the Army Corps of Engineers, a Federal entity, to study fish passage in Mud Mountain, WA; $275,000 to remove the sunken vessel State of Pennsylvania from the Christina River; $7 Million for the Arctic Energy Office—guess where—Alaska. Aren't you astonished? And $500,000 for the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary's storage unit facility's Milk River project, Montana. The list goes on and on.

These are all out of a Federal entity called the Army Corps of Engineers. They should be listed. They should be in the sponsorship, they should be required to be listed, and as a Federal entity. So, clearly listed, sponsor identified, accompanied by information of the essential Government purpose of the legislation.

We are saying there are earmarks that are Federal entity as well as non-Federal entity. That is all this amendment does. It changes it from Federal to as well non-Federal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it was interesting to notice the arguments of the Senator from Arizona right before we had the vote on cloture on this bill. He pointed out what the consequences of cloture would be, one of which would be that nongermane amendments could not be offered, and he listed two examples, one of which was amendments on earmarking.

I think this amendment, just as the previous amendment, should be subject to a point of order. The Parliamentarian sustained the point of order that was raised by the chairman of the Committee on Rules and Administration, but I am advised that the Parliamentarian would not rule that a point of order lies against this amendment. It is clear and obvious that it would.

But notwithstanding that disagreement, this amendment would have the most impractical effects and unintended consequences of any I have seen offered. What the Senator is suggesting is that anytime you identify a project or a program or an entity that is enlarged or constructed in any bill—an appropriations bill, an authorization bill from any of the authorizing committees—you have to separately list or include in the conference report, it is not clear, the identity of those who support the inclusion of that or who authored it.

There are many things here that are sponsored by one Senator, cosponsored by many others. In order to meet the criteria of this requirement, we would have a voluminous stack of documents presented to the Senate when a bill is presented, showing which Senators in committee may have offered that amendment or suggested to the committee that it be included in the bill, and why.

We already have committee reports that accompany most pieces of legislation that come to the Senate. In that committee report, the provisions are discussed, described. It boggles the

mind to think what the consequences of this one provision would do, the paperwork, bookkeeping, and the like. I don't know of any Senator who does not want his name associated with a provision that he suggests or she suggests be included in a bill, whether it is authorizing language or whether it is in an appropriations bill. There is nothing wrong with that. I am not arguing that should not be included. It usually is well known.

I plead with the Senate, let's not include this amendment on this bill at a time when we are right about to go to final passage. The bill reflects the consensus of the Rules Committee. The two managers of this legislation did an excellent job of carefully reviewing all the suggestions that were out there for lobbying reform, reforms of the way the Senate does its business. We are going to have to go to conference with the House. If there are better ways to word this earmarking provision that is in the bill, there is a provision in the bill, the committee signed off on it, and we are coming to the very end of the consideration. We are nitpicking. That is what this is, nitpicking. I don't know of a better word to describe this amendment. It does not serve any useful purpose to inform the public.

What member of the general public is going to look through documents that will be 2 feet high associated with almost any legislation that authorizes or appropriates funds for a department's activities for an entire year? Think about it. Do not approve this.

I support the idea that we need to do a better job of controlling spending. We need to achieve more in the way of ensuring that projects are justified, that they are reviewed more carefully. That is a part of this process. That is why this provision is in the bill. I voted for it. I supported it in the markup session of our Rules Committee. I am a member of that distinguished committee. My colleague from Mississippi is the chairman of the committee. I am here supporting the work of his committee.

Friends and colleagues who want to be more demonstrative and more zealous and more volatile on the issue of spending restraint now come along and insist that we vote on an amendment such as this. We should say enough is enough. We have listened to all of the arguments. We have brought this bill to the Senate. The consensus has been achieved.

So, Mr. President, I move to table this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The motion to table is nondebatable.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Is the Senator seeking consent?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Let me say to the Senator from Mississippi, with all respect and affection——

Mr. COCHRAN. Mr. President, a point of order: Is a motion to table debatable?

The PRESIDING OFFICER. No, it is not.

Is there objection to the Senator continuing?

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I understand the Senator from Arizona was suggesting that he be allowed 2 minutes to comment on this amendment. I have no objection to him having 2 minutes. So I ask unanimous consent that he be granted 2 minutes to speak on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would just amend that unanimous consent request, in case the Senator from Mississippi wants to respond to those 2 minutes, that he would have an additional 2 minutes, if he needs it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I would like to respond as to why this amendment is necessary and why I do not think it is nitpicking. I think a lot of us would have liked to have known who sponsored the amendments that were put into the Defense appropriations bill by former Representative Cunningham, who is now in jail. We would have been very well illuminated by the tens of millions of dollars that were somehow put into an appropriations bill in the middle of the night that none of us had ever seen or heard of. And we did not know who was behind it until he was on trial.

It is perfectly clear—it is perfectly clear—that this is not a nitpicking amendment. The people of this country deserve to know who puts in these projects in conference in the middle of the night, as a former Congressman was able to do named Cunningham, ripping off the taxpayers of tens if not hundreds of millions of dollars. That is why this amendment is not nitpicking.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

The PRESIDING OFFICER (Mr. COBURN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—57

Akaka	Domenici	Lott
Alexander	Dorgan	Lugar
Allard	Durbin	McConnell
Baucus	Feinstein	Mikulski
Bennett	Frist	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nelson (NE)
Brownback	Hagel	Pryor
Bunning	Hatch	Reed
Chambliss	Hutchison	Reid
Cochran	Inouye	Roberts
Coleman	Jeffords	Sarbanes
Collins	Johnson	Schumer
Conrad	Kennedy	Sessions
Craig	Landrieu	Shelby
Crapo	Lautenberg	Snowe
Dayton	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lincoln	Voinovich

NAYS—41

Allen	Ensign	Nelson (FL)
Bayh	Enzi	Obama
Biden	Feingold	Salazar
Boxer	Graham	Santorum
Burns	Harkin	Smith
Burr	Inhofe	Stabenow
Cantwell	Isakson	Sununu
Carper	Kerry	Talent
Chafee	Kohl	Thomas
Clinton	Kyl	Thune
Coburn	Lieberman	Vitter
Cornyn	Martinez	Warner
DeMint	McCain	Wyden
DeWine	Menendez	

NOT VOTING—2

Byrd	Rockefeller

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2983 WITHDRAWN

Mr. LOTT. Mr. President, I have been asked by the sponsor of the amendment to ask unanimous consent to withdraw the final pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. With that, we have finished our amendments on this very important legislation. I believe we are almost ready to hear from the leaders, and then we will be ready to go to final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am very happy to be here today as we are very near to passing the ethics and lobbying reform legislation. This is important

legislation, and it is legislation the American people care about. I am so glad the Senate has been able to take the lead in enacting these important reforms.

Let's step back a minute from the details of the legislation and remind Members of the Senate and the American public why we are here. In the past year, America has been shocked, and some have certainly been disgusted, by revelations of corruption in our current system. While much of the behavior at issue in some of these scandals is already illegal, the scandals have shown that some outsiders and insiders believed they could act with impunity. It has shaken public confidence in the Congress and our entire Federal Government.

Congress needed to act aggressively and swiftly, and we did that. I am very proud of those on this side of the aisle, in my caucus. When we returned to session earlier this year, the first thing we did as Democrats was unite behind the Honest Leadership Act. We moved beyond principles and speeches and introduced a strong reform bill, with the support of virtually the entire caucus. The entire caucus worked to achieve the effort here today. Senators OBAMA and FEINGOLD led the way. Then we arrived at the committee structure, where on my side of the aisle, Senators DODD and LIEBERMAN worked with integrity and swiftness, intelligence, experience, and part of that was that they worked with their counterparts, Senator COLLINS and Senator LOTT, to allow us to arrive at the point where we are today.

The baseline was a bill that we introduced. But people kept pushing and we have gotten something done. As I have already said, the Rules Committee and Homeland Security Committee worked in a bipartisan way. We worked in a bipartisan way to get where we are today. Included in the bills that came to this floor was much of what was contained in the legislation we introduced, the Honest Leadership Act.

I express my appreciation to Senators LOTT, DODD, COLLINS, and LIEBERMAN, who have acted, I believe, in an exemplary way in moving legislation forward.

This is a good day for the Senate. I repeat, we are here as a result of bipartisan legislation. We are going to complete this legislation. This is not a perfect bill, I know that. I would like to have seen some other things in this legislation, as would other Democrats, and I am sure other Republicans. But the bill makes a number of extremely important changes to lobbying disclosure rules and Senate ethics rules. In many cases, the legislation is exactly what Democrats called for in our Honest Leadership Act.

Let's talk about what we have done today. We are going to have pundits talk about what we didn't do. But let's talk about what we did do. We should be proud of what we have done. We are going to extend and strengthen rules against the revolving door. We are going to end gifts and meals from lobbyists. We have new rules for privately paid travel, requiring preclearance and added disclosure. What we will do in this legislation is clarify the pay-to-play scheme that some have referred to as the K Street Project that is unethical and violates Senate rules. This legislation eliminates floor privileges for former Members who become lobbyists. This legislation strengthens lobbying disclosure rules, and that is an understatement. This legislation requires new disclosure of ''astro turf'' lobbying campaigns and stealth coalitions used by business groups. This legislation reforms rules regarding earmarks, scope of conference, and availability of conference reports. We should all feel that is an improvement and a significant step forward.

I repeat that this bill is not perfect, but it is a significant improvement over current law and it will help restore the public's confidence in Government. I am proud of the efforts of my colleagues to get this legislation passed today. I urge my colleagues to support it.

Mr. President, the majority leader and I are seen in the eyes of the public as always being like a couple of bighorn sheep in rutting season, running and bashing heads and moving back. That is what the public sees. But this legislation could not have come to the floor today but for the work we did together—we did together—not anything on which we gave speeches and issued press releases. We are here today as a result of the work we did together.

Only the majority leader and I know how difficult it is to get a bill to the point it is today. So I extend my hand to the majority leader for working with us to get lobbying reform done. I repeat for the fourth time during my short remarks today, this is not perfect, but people focus on how much we have done to improve the system. There are other days and other legislation that can come forward, but today, let's feel good about a bipartisan piece of legislation.

I again express my appreciation to the managers of this bill. They did remarkably good work.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, earlier this year, I made a commitment, with the Democratic leader, to make lobbying and ethics reform a top priority this year and not just another political talking point. By passing lobbying reform today, the Senate, in a way that demonstrates us working together in a bipartisan way, will fulfill that commitment.

I am pleased the Senate has led the way. We were the first to develop ideas through a bipartisan working group, the first to introduce a comprehensive lobbying reform package to two committees, the first to have those committee hearings and markups, the first to debate those issues on the floor of a body, and today we will pass the first lobbying reform bill in Congress in over a decade.

The goals of this legislation are simple, they are straightforward. It is about trust. It is about transparency. It is about accountability. Trust is the foundation of our democratic government. We are a government of the people, by the people, and for the people. The American people have entrusted us with their votes, have entrusted us with their hard-earned tax dollars, and they expect us to uphold the highest standards of honesty, of integrity. With public opinion of Congress at an alltime low, we have to do a better job of regaining that trust and that confidence. We must bring more transparency and accountability into our Government. We must conduct our Nation's business focusing on the public interest and not special interests. By passing this bill to reform our lobbying and ethics rules, we will do just that.

Among its many provisions, the bill will enhance public disclosure of lobbyist activities and campaign contributions, ban gifts and meals from registered lobbyists to Senators and staff, require enhanced scrutiny and Ethics Committee preapproval for privately funded travel, slow the revolving door between Government and lobbying, and reform our earmark process to cut pork-barrel spending.

I also thank the managers—Senator LOTT, Senator COLLINS, Senator LIEBERMAN, and Senator DODD—for their tremendous work both in their respective committees and, indeed, on the floor.

I thank Senator SANTORUM, who very early on, on the Republican side, stepped forward and with his leadership began a lobbying reform working group upon which much of this work has been based. Many of the provisions in this bill are, in large part, a result of the meetings he had.

I also thank all of my colleagues, again, as expressed by the Democratic leader, on both sides of the aisle—and especially the Democratic leader—for their cooperation in moving this legislation forward in a way and in a manner which I believe really dignifies this body working together.

A lot of people say we have moved way too fast. An equal number say we have moved too slow. Right now, there are many people coming forward saying: No, we need to change these provisions. Adding to what the Democratic leader said, this is not a perfect bill, but this bill is a major step forward. It is a product of working together, Democrats and Republicans.

In closing, most everyone agrees that we have taken the issue of lobbying and ethics reform seriously. Indeed, we have. We have produced a strong and meaningful result that will have implications for years to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in family.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—90

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brownback	Harkin	Salazar
Bunning	Hatch	Santorum
Burns	Hutchison	Sarbanes
Burr	Inouye	Schumer
Cantwell	Isakson	Sessions
Carper	Jeffords	Shelby
Chafee	Johnson	Smith
Chambliss	Kennedy	Snowe
Clinton	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Talent
Cornyn	Levin	Thomas
Craig	Lieberman	Thune
Crapo	Lincoln	Vitter
Dayton	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden

NAYS—8

Coburn	Graham	McCain
DeMint	Inhofe	Obama
Feingold	Kerry	

NOT VOTING—2

Byrd	Rockefeller

The bill (S. 2349), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I take no contributions from special interest PACS or lobbyists. My office operates under a set of rules governing our interaction with lobbyists that is stricter than current law. Regardless of any legislation, I always hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

The past several months, however, have highlighted for congressional action on lobbying and ethics reform. Public concern has increased about both illegal and unethical activities involving lobbyists. These include well-funded special interest groups that disguise their activities through the formation of coalitions, associations, and grassroots campaigns; improper campaign finance practices; lavish gifts to Members of Congress and their staffs apparently in violation of current congressional ethics rules; and earmarks slipped into legislation as favors for lobbyists without debate on proper consideration.

The actions of others have made it clear that our current regulations on lobbying are outdated and ineffective. That is why I supported S. 2349, the Legislative Transparency and Accountability Act of 2006. It is my hope that this legislation will move us toward restoring the public confidence in Congress by shining light on congressional processes and cracking down on lobbyist influence.

I realize that this bill falls short in certain areas. I was an original cosponsor of the Honest Leadership Act, which would have gone even further than the Senate-passed bill in reigning in inappropriate gifts, travel, and influence on Members of Congress. I supported amendments that would increase the transparency of Senate actions and voted against cloture to give other Senators a chance to offer amendments to strengthen the bill.

If the legislation passed by the Senate today had gone further in increasing accountability for Members of Congress, it would have gone further in restoring the public faith. However, I believe it is also our responsibility to balance far-reaching legislation with the time constraints before us. This bill is far from perfect but it is an important first step in putting an end to the ''culture of corruption'' that has become a part of Washington.

Serving in Congress is a great honor—one we must earn by always making the welfare of our constituents and the Nation our sole motivation. The current lobbying scandals show how far we have drifted from that ideal. But the reforms will do much to correct our course. And, as always, I will continue to hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURING AMERICA'S BORDERS ACT

Mr. FRIST. Mr. President, pursuant to the order of March 28, I ask that the Senate now begin consideration of S. 2454. I further ask unanimous consent that the time until 8 p.m. be equally divided between the two leaders or their designees.

I further ask unanimous consent that when the Senate resumes consideration of the bill tomorrow, the time until 12 noon be equally divided in the same form for debate only, and that at noon the chairman be recognized in order to offer an amendment; provided further that there then be debate only until 5:30, with the time divided in a similar fashion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

The PRESIDING OFFICER. Who yields time?

The majority leader.

Mr. FRIST. Mr. President, to clarify, we are now on what will be passionately discussed over the next several days, a very important piece of legislation that addresses the range of border security issues surrounding enforcement, interior enforcement, temporary worker programs—a debate which I know and expect will be civil and held with dignity, but what is a very difficult debate.

I will make a brief opening statement and then turn to the chairman and ranking member, but also I would like to make a statement shortly after they do.

Mr. President, this debate, when you boil it down to its essence, is about the American dream and the home that this country offers for so many hard-working people—a difficult debate, an important debate. But it is also an issue about what it means to be a nation, and every nation must keep its citizens safe and its borders secure.

That is why we are starting with the Securing America's Borders Act, a bill I introduced prior to the March recess. This bill acknowledges the overriding principle that we must protect our citizens by securing our borders. A nation that cannot secure its borders cannot secure its destiny or administer its laws.

The situation along our southern border now ranks as a serious national security challenge, second only to the war on terror. Every day we discover new facts that show how delay and inaction is making America less safe and less secure.

In January, officials discovered a massive tunnel stretching nearly a half mile from Tijuana to San Diego. We don't know how many more snuck in. We do know that mixed in with the families seeking a better life are drug dealers, human traffickers, terrorists, and common criminals who cross our border into this country every day.

But the danger is not only to America. It is danger to those who try to